

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No: 2017/62/92619/W
Site Address: 25, Dark Lane, Almondbury, Huddersfield, HD4 6SE
Description: Alterations to existing dormer window and roof to form roof terrace
Recommending Officer: Francis Davies

DECISION – conditional full permission

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Teresa Harlow

AUTHORISED OFFICER

Date: 27-Sep-2017

Officer Report

Reference: 2017/92619

Location: 25 Dark Lane, Almondbury, Huddersfield, HD4 6SE

Proposal: Alterations to existing dormer window and roof to form roof terrace

Site Description

The application relates to dormer bungalow located in Almondbury. It is constructed from stone and designed with a gable roof, finished in concrete tiles. The dwelling benefits from both a well-proportioned front garden / vehicle driveway to the front (southeast) and a good sized rear garden (northwest). The area topography, which gradually falls away in a north-south direction, provides views of the valley opposite.

Boundary treatment at the front of the application site consists of approximately 0.5m high natural stone wall and mature vegetation, delineating the site from the highway (southeast). Alternatively, a closed boarded timber fence separates the dwelling from neighbouring properties on both sides (northeast & southwest). The considered dwelling is surrounded by residential properties of differing architectural styles on all sides except the southeast whereby green open space offers attractive views of the valley. It is noted that the considered dwelling is in the green belt.

Description of Proposal

The application seeks planning permission for the alteration of an existing dormer window to form a roof terrace. The proposed terrace would have a total projection of approximately 1.1m and total width of approximately 2.37m. The terrace would be set back from the gutter line by approximately 0.56m, thereby preserving some of the existing roof form. The terrace would include a balustrade. The submitted plans also detail alterations to the existing fenestration of the building.

History of negotiations

Negotiations were held between the planning officer and agent to reduce the forward projection (southeast) of the terrace, thereby preserving more of the

original roof form. Consequently, revised plans were submitted which reflect these proposed changes.

Relevant Planning History

99/91293 – Erection of Dormer Extension (Conditional Full Permission)

Representations

Final publicity date Expires: 22nd September 2017

A summary of the comments received is set out below:

- One public representation was received regarding this application objecting to the proposed roof terrace on the grounds of reduced amenity value of garden space.

Consultation Responses

No consultations were sought regarding this application.

Policy

The statutory development plan comprises the Kirklees Unitary Development Plan (saved Policies 2007).

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The Council is currently in the process of reviewing its development plan through the production of a Local Plan. The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The site is allocated green belt on the UDP Proposals Map and remains allocated green belt on Kirklees Publication Draft Local Plan.

- Access considerations - None

Kirklees Unitary Development Plan:

- D11 – Extensions in the greenbelt
- BE1 – Design Principles

- BE2 – Quality of Design
- BE13 – Extensions to Dwellings (design principles)
- BE14 – Extensions to Dwellings (Scale)
- BE15 – Dormer Extensions

Kirklees Publication Draft Local Plan (PDLP):

- PLP 1 – Achieving Sustainable Development
- PLP 24 – Design
- PLP 57 – The extension, alteration or replacement of existing buildings in the greenbelt

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 27th March 2012, together with Circulars, Parliamentary Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Paragraph 17 – Core Planning Principles
- Chapter 7 – Requiring good design
- Chapter 9 – Protecting the green belt

Assessment

The following matters are considered in the assessment below:

1. Principles of Development
2. Impact on Visual Amenity
3. Impact on Residential Amenity
4. Impact on Highway Safety
5. Other Matters
6. Representations
7. Conclusion

Principle of Development

The general principle of extending and making alterations to a dwelling are assessed against Policies BE1, BE2, BE13 and BE14 of the Unitary Development Plan, Policies PLP 1, PLP 24 of the emerging Local Plan and advice within Chapter 7 of the National Planning Policy Framework regarding design. These require, in general, balanced considerations of visual and residential amenity, highway safety and other relevant material considerations.

In addition to the above, the site is located within the Green Belt and therefore the principle of extending a building within the Green Belt also needs to be considered. Chapter 9 of the National Planning Policy Framework (NPPF) states that the Government considers that the fundamental aim of Green Belt

policy is to prevent urban sprawl by keeping land permanently open, with the essence of characteristics of the Green Belt being their openness and permanence.

It also states that an extension or alteration of a building (providing that it does not result in disproportionate additions over and above the size of the original building) need not be inappropriate in the Green Belt under paragraph 89. Policy D11 of the UDP and emerging Policy PLP57 of the PDLP also set out how extensions to buildings in the Green Belt should be assessed.

In light of the above, the principle of extending a dwelling can be acceptable provided the development does not form a disproportionate addition to the original building and in all other respects accords with adopted and emerging policy. Other matters such as visual/residential amenity, highway safety also need to be considered in detail.

Impact on Visual Amenity and Green belt

The application is located in the green belt. Policy D11 of the Unitary Development Plan (UDP), Policy PLP 57 of the publication draft Local Plan and Chapter 9 of the NPPF outline the principle of development and restrictions on development in the green belt. Within the NPPF, Chapter 9, paragraph 89, states that extensions to existing properties may not be considered inappropriate within the green belt as long as it does not result in a disproportionate addition, over and above the size of the original dwelling.

In this instance the proposed development is considered to be within the limits of 'proportionate development'. It would not increase the cubic capacity of the property but would simply alter the roof form to provide full height doors to the existing dormer and a roof terrace partly set within the existing roof space enclosed by a glazed balustrade. As such the host building would remain the dominant element in terms of both size and appearance.

The terrace has been designed such that it is set back from the gutter line thereby retaining approximately 0.56m of the original roof form, ensuring that the original roof form and covering remains the predominant feature. Equally, the proposed terrace is considered to be a small scale development, projecting by 1.1m from the vertical plane of the dormer and have a total width of approximately 2.4m. As such it is not anticipated that the proposed terrace would create an overly prominent feature within the streetscape, remaining subservient to the existing dwelling. Additionally, when the proposal is considered in the context of the resulting dwelling it would again not create an unduly prominent feature or detract from the overall amenity value of the dwelling.

Consequently, the proposal is not considered to compromise the appearance of the existing dwelling or surrounding area, nor would it detract from the openness of the green belt. As such the application is considered to comply with Policies D11, BE1, BE2, BE13 and BE14 of the Unitary Development

Plan (UDP), Policies PLP 1, PLP24 and PLP 57 of the publication draft Local Plan and guidance contained within Chapter 9 of the NPPF.

Impact on Residential Amenity

Birks Close is a large, detached dwelling located northeast of the application site. The proposed terrace extension would retain the separating distance between these two properties of approximately 3.86m and as such it is not anticipated that the proposal would result in any overbearing impacts or loss of sunlight to this neighbouring property. It is noted that the proposed terrace is at the first floor level, approximately 3.31m above the ground, and thereby might give rise to overlooking concerns of Birks Close when persons are using the terrace area. However, it is not anticipated that the proposed terrace would give rise to any more intrusive views than those currently provided by the existing dormer window given its very limited size and projection.

Notwithstanding this the orientation of these two dwellings is such that the application site is offset from the Birks Close, positioned beyond the principal elevation. As such direct views of private amenity space of the neighbouring property are somewhat restricted. Additionally, the proposed terrace extension is located on the western aspect of the host dwelling, further restricting views.

Westwood Court is a flat complex located to the southwest of the application site. The proposed terrace extension would maintain the existing separating distance of approximately 11.32m. Consequently, the proposal does not give rise to any overbearing concerns or loss of sunlight. Furthermore, a substantial separating distance and presence of considerable boundary features inclusive of closed boarded timber fences approximately 1.5m high and mature vegetation also serve to mitigate concerns of an overlooking nature.

Given considerable separating distances between the application site and other dwellings within the vicinity it is not anticipated that the proposal would negatively impact the residential amenity value currently enjoyed by the occupiers of these buildings. As such the application is considered to comply with Policies BE14 of the UDP, Policy PLP24 of the PDLP and guidance contained within the NPPF.

Highway Safety

The proposed terrace extension does not give rise to any highway safety concerns.

Other Matters

Biodiversity and Ecology

Although the application site is located within a bat alert area, it is not identified on the maps as having a bat roost. The roof is also well sealed and

unlikely to have any significant bat roost potential. Notwithstanding this, a note recommending that the advice of licensed bat work should be sought if any bats are found during the development. If this application is approved this note would be relayed on the applicant via the decision notice, for the proposal to comply with the guidance contained within the NPPF.

Representations

Objections individually considered in relation to this scheme include:

1. The proposed roof terrace would overlook private amenity space of neighbouring property Birks Close

Comment: As discussed within the report owing to the orientation of the application dwelling, and siting of the terrace extension it is not anticipated that the proposed scheme would give rise to undue overlooking concerns beyond those provided by the existing dormer window.

Conclusion

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation - Approve

Decision Authorisation - Delegated Powers

Application Number: 2017/92619

Officer Recommendation: Grant Conditional Permission

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies BE1, BE2, BE13, BE14, D11 and T10 of the Kirklees Unitary Development Plan.

Note: There is potential for a bat roost to be present on site. Bats are a European protected species under Regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
GA as Proposed	17087D-02-P04	-	21/09/2017
GA as Existing	17087D-01-P01	-	27/07/2017
Location Plan	17087D	-	27/07/2017

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

Negotiations were held between the applicant and planning officer to reduce the projection of the terrace from the vertical plane of the existing dormer so

as to retain more of the roof form. As such revised plans were received which reflect requested amendments.

Report Dated:

27th September 2017