

**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: 2019/62/90551/W

Site Address: 112, Dewhurst Road, Fartown, Huddersfield, HD2
1BN

Description: Erection of single storey rear extension and front and
rear dormers

Recommending Officer: Callum Harrison

DECISION – Full Conditional 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.**

Neil Bearcroft

AUTHORISED OFFICER

Date: 18-Apr-2019

Officer Report

Site Description

The application relates to a two storey terraced property located at 112, Dewhurst Road, Fartown. The dwelling is faced in natural stone with a slate stone tiled roof. The dwelling has white upvc windows and doors. The dwelling benefits from hardstanding areas to the front and rear.

The dwelling is south facing and has attached neighbours to the east and west at numbers 110 and 114 respectively.

Opposite to the dwelling is no.119 Dewhurst Road, 22m away.

There is no direct neighbour to the rear. The closest dwelling to the rear is no.30 The Grove situated 44m away.

The prominent material on the street scene is stone. Dormers and single storey rear extensions can be found in abundance within the surrounding area.

Description of Proposal

Erection of single storey rear extension and front and rear dormers.

Single storey rear extension

The single storey rear extension has a projection of 3m and a width that falls flush with the width of the house, 6.2m.

The maximum height is 3.5m with the eaves at 2.6m.

The extension is to be constructed with stone and tile, as per the application form.

Front Dormer

The proposed front dormer has a projection of 3.1m and a width of 2.4m.

The dormer is of a pitched, gable style and therefore has a height of 2m with the eaves at 1.1m.

The dormer is positioned to the left of the front elevation, but in line with the larger windows of the dwelling.

The proposal sits behind the eaves by 2.2m and below the ridge by a minimal 0.05m when measuring along the plane.

The dormer is to be clad.

Rear Dormer

The proposed rear dormer has a projection of 4.4m and a width of 5.6m

The roof is of a flat style, therefore the height of the dormer itself is 2.6m.

The dormer extends across the majority of the rear elevation, whilst set in slightly at each end.

The dormer is sat behind the eaves by 0.4m and below the ridge by 0.5m. The dormer cheeks and walls are to be clad, whilst the roof to be felt.

Relevant Planning History

Application Site

None.

Elsewhere

No.110 Dewhurst Avenue was granted permission under application 2004/91870 for the erection of front and rear dormers.

No.116 Dewhurst Avenue was granted permission under application 2008/92142 for erection of ground floor extension and front/rear dormers.

History of Negotiations

None

Representations

The application was advertised by a site notice and neighbour notification letters.

Final publicity date expired: 17/04/19.

No representations were received.

Consultation Responses

No consultations were required or sought.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees is the Local Plan adopted February 2019.

The application site is unallocated on the Kirklees Local Plan

Kirklees Local Plan (as modified)

- PLP1 – Presumption in favour of sustainable development
- PLP2 – Place shaping
- PLP21- Highway safety and access
- PLP22 - Parking
- PLP24 – Design

National Planning Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published February 2019, 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.

- Chapter 12: Achieving well-designed places

Assessment

The following matters are considered in the assessment below –

- 1) Principle 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

Policy PLP1 of the Local Plan states that when considering development proposals, the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. PLP1 goes on further to stating that:

“The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”

In this case the application, it can be stated the principle of development is acceptable subject to the assessment of impacts on visual and residential amenity and highway safety.

Impact on Visual Amenity

The NPPF provides guidance in respect of design in chapter 12 (Achieving well designed places) with 124 providing an overarching consideration of design stating:

'124. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'

Kirklees Local Plan policies (as modified) PLP1, PLP2 and importantly, PLP24 are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

PLP24 (a) states that proposals should promote good design by ensuring:

"the form, scale, layout and details of all development respects and enhances the character of the townscape"

PLP24 (c) of the Kirklees Local Plan states

"Extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details..."

In this case it can be determined the application satisfies PLP24 in regards to visual amenity for the reasons as explained below.

The materials proposed are brief in their description within the application form, however it matches as to how the agent described the existing materials. For this reason it can be believed the stone for the walls and tiles for the roof will be to match the host dwelling. However to ensure this as matching materials is a key factor of the scheme satisfying PLP24, the use of said materials shall be conditioned.

It can be stated the rear extension and rear dormer could potentially be constructed under permitted development Schedule 2, Part 1 classes A and B of the General Permitted development (England) Order (2015). Therefore there is a potential fall-back position. However given the position of the large dormer on the rear elevation and the design of the rear extension which would appear subservient these elements are considered to be of an acceptable design.

The front dormer would not be permitted development but is small in scale, in align with the existing windows on lower floors to ensure that it is modest in style and scale to the host dwelling and it is considered to be acceptable against PLP24(a) and (c).

To ensure that the dormers are not overly prominent a condition will be attached to the decision notice to require that they are either clad in vertically hung tiles or a dark colour cladding.

Subsequently due to its design and permitted development rights, the proposal is satisfactory in terms of visual amenity. However as the use of matching materials was a key factor of the scheme satisfying PLP24, the use of said materials shall be conditioned.

Impact on Residential Amenity

PLP24 (c) of the PDLP states extension should

“...minimise impact on residential amenity of future and neighbouring occupiers”

It is of officer’s judgement that the side extension element of the proposal does satisfy PLP24 (c).

As stated in regards to visual amenity, it can be stated the rear extension could be constructed under permitted development, and there could be a fall-back position. However given the modest scale of the rear extension it is not considered that it would have a detrimental impact to the amenity of adjacent properties.

The front and rear dormer would not cause any views towards any dwelling that cannot be seen from existing first floor windows and therefore will not have any detrimental effect in regards to any form of residential amenity to any neighbouring dwellings.

Subsequently due to its design, modest scale, positioning and potential permitted development rights fall back, the proposal is satisfactory in terms of residential amenity.

Impact on Highway Safety

Whilst the scheme would see additional living space provided, the site currently does not provide any off street parking. The elements of this scheme which cannot be done under PD, would not materially intensify the trips to and from the site and therefore is acceptable in regards to PLP21 and PLP22 of the Kirklees Local Plan (as modified).

Other Matters

Bats – The site is located within the bat alter layer and whilst the proposal includes alterations to the roof the roof is already used for living accommodation, is reasonably well sealed and it is therefore not considered to have potential for bats. However as a precaution a note will be attached to the decision notice.

Representations

None.

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: 2019/90551

Officer Recommendation: Approve

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 PLP1 PLP2, PLP21, PLP22, PLP24 on the Kirklees Local Plan (2019) (as modified).

3. The external walls and roofing of the single storey extension hereby approved and shall in all respects match those used in the construction of the existing building.

Reason: In the interests of visual amenity and to accord with and Policy PLP24 of the Kirklees Local Plan (2019) (as modified) and Chapter 12 of the National Planning Policy Framework (2019).

4. The hereby approved dormer windows shall be clad in either vertically hung tiles that in all respects match those used in the construction of the existing roof or dark coloured cladding. Such cladding shall thereafter be retained.

Reason: In the interests of visual amenity and to accord with and Policy PLP24 of the Kirklees Local Plan (2019) (as modified) and Chapter 12 of the National Planning Policy Framework (2019).

NOTE: The Council's Environment Officer has commented that a bat roost may 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
Existing Elevations	1901.4 – Front and rear	1	26/02/19
Existing Floor Plans	1901.2 – Ground and first	1	26/02/19

	floor		
Grouped Plans and Elevations	1901.3 – Existing second and second floor plan	1	26/02/19
Grouped Plans and Elevations	1901.6 – Proposed section and second floor	1	26/02/19
Location Plan	1901.1	1	26/02/19
Proposed Elevations	1901.7 – Front and rear	1	26/02/19
Proposed Elevations	1901.8 – Side	1	26/02/19
Proposed Floor Plans	1901.5 – Ground floor	1	26/02/19

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. The initial plans were deemed acceptable and therefore no amendments were sought.

Report Dated: 17/04/19