

**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: 2019/62/93518/W

Site Address: 99, Thornton Lodge Road, Thornton Lodge,
Huddersfield, HD1 3SB

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

Recommending Officer: Alice Huxley

DECISION – CONDITONAL 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.

Emma Thompson

AUTHORISED OFFICER

Date: 19-Dec-2019

Officer Report

Site Description

99, Thornton Lodge Road, Thornton Lodge, Huddersfield.

The site occupies a two-storey, mid-terrace property located within a predominantly residential area. Materials in construction include stone walls, upvc windows and doors, and a blue slate pitched roof; and boundary treatment consists of stone/blockwork walls.

There is a mixture of semi-detached and terraced housing in the street scene and it is noted that there are multiple properties in the area that have existing dormer windows.

Description of Proposal

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

Single storey rear extension

The single storey rear extension would replace the existing lean to kitchen area and project approximately 5 metres from the dwelling's rear elevation at a width of 3 metres, an eaves height of 2.5 metres rising to an overall height of 3.6 metres. Proposed materials include stone walls and a blue slate lean to roof that incorporates two roof lights.

Front dormer

The front dormer would project approximately 3.3 metres from the original dwelling's roof at a width of 2.7 metres, an eaves height of 1.6 metres rising to an overall height of approximately 1.85 metres to accommodate a bathroom and third bedroom. The agent has agreed to the condition that slate or tiles to match the existing roof are to be used in the construction of the front dormer.

Rear dormer

The rear dormer would project approximately 4 metres from the original dwelling's roof at a width of 5.1 metres, an eaves height of approximately 2 metres rising to an overall height of 2.2 metres to accommodate a fourth bedroom. The agent has agreed to the condition that slate or tiles to match the existing roof are to be used in the construction of the rear dormer.

History of negotiations/amendments received

Negotiations between the officer and agent took place due to concerns regarding the size and the prominence of the front dormer and its impact on visual amenity. Amendments were secured accordingly on 18/12/2019.

Relevant Planning History

None at application site.

2004/90097 – no.97 Erection of two-storey extension – *conditional full permission*.

90/04818 – no.101 Extension to form kitchen – *conditional full permission*.

90/02133 – no.101 Erection of double dormer extension to form two bedrooms – *conditional full permission*.

90/00028 – no.101 Erection of double dormer extension to form two bedrooms – *refused*.

Representations

Final publicity date Expires:

Neighbour letters expire 6th December 2019; site notice expires on 10th December 2019.

No representations were received.

Parish/Town Council comments:
Not applicable.

The amended plans were not re-publicised as these reduced the scale of the originally proposed development that had been fully advertised.

Consultation Responses

None.

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 statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is unallocated on the Kirklees Local Plan.

Kirklees Local Plan (LP):

- **LP 1 – Achieving sustainable development**

- **LP 2 – Place shaping**
- **LP 21 – Highway Safety and Access**
- **LP 22 – Parking**
- **LP 24 – Design**

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19th February 2019, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

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

- **Chapter 2 – Achieving sustainable development**
- **Chapter 12 – Achieving well-designed places**

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity Impact on residential amenity
- 2) Impact on highway safety
- 3) Other matters
- 4) Representations
- 5) Conclusion

Principle of development:

The site is without notation on the Kirklees Local Plan. Chapter 2 of the NPPF states that:

‘Planning policies and decisions should play an active role in guiding development towards sustainable solutions...’

Chapter 2 of the NPPF goes onto further state that objectives should:

‘support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment...’

In line with the NPPF, policy LP1 of the Kirklees Local Plan declares that:

‘...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.’

LP1 goes further and states:

‘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 instance, it can be stated that the principle of development of this application is acceptable; and as a result, is subject to the assessment of impacts on visual and residential amenity, as well as highway safety and any other impacts that may arise.

Impact on visual amenity:

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) whereby 124 provides a principal consideration concerning design which states:

'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 LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

'a. the form, scale, layout and details of all development respects and enhances the character of the townscape..' and 'c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...'

With regards to the front and rear dormers, these would be set back from the eaves of the original dwelling and be constructed from slate/tiles to match the original roof. As such, the proposed dormers are considered to be subservient to the host property in terms of scale and design and therefore are acceptable in terms of visual amenity.

Regarding the rear extension, given it would be single storey and incorporate materials to match the host property, it can be said that this would be subservient to the original dwelling. Additionally, it is noted that the adjoining property has had a much larger rear extension approved that does not look overly prominent or out of place.

For the reasons set out above, the proposals comply with LP24 of the Kirklees Local and therefore are acceptable in terms of visual amenity.

Impact on residential amenity:

Section B and C of LP24 states that alterations to existing buildings should:

‘...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers’.

The proposed front dormer will not cause any undue harm to the adjoining properties (no.101 and no.97 Thornton Lodge Road) in terms of overlooking, overbearing and overshadowing as it wouldn't incorporate any windows on its side elevations, would be set back from the original dwelling's eaves and is represents a similar relationship to windows that currently exist. Regarding the properties facing the applicant site, these dwellings are situated on higher land than no.99 and a sufficient separation distance of approximately 17 metres will be maintained between the sites.

With regards to the proposed rear dormer, similarly to the front dormer, this would cause no material harm to the adjoining properties in terms of overlooking, overbearing or overshadowing as it would be set back from the original dwelling's eaves, not incorporate any side windows and represents a similar relationship to existing windows. The properties to the rear of the applicant site are approximately 12 metres away from no. 12 and it is noted that no.101 had similar works approved in 1990. For the reasons set out above, the proposed dormer extensions are considered to be acceptable in terms of residential amenity.

Regarding the proposed rear extension, this is not considered to result in any material harm to the occupants at no.97 in terms of overshadowing and overbearing as it would be single storey and set away from the shared boundary. In terms of overlooking, the proposal incorporates a window facing out onto no.97. Despite this, this would look out onto the side elevation of no.97's two storey rear extension which does not host any openings. As for no. 101, the proposed extension would increase the mass of walling that exists adjacent to a window on no.101's rear elevation; notwithstanding this, the extension would be single storey and no.101 is located south of the applicant site. As a result, there are no material concerns regarding overbearing and overshadowing. Additionally, the extension would not incorporate any windows facing no.101 therefore there would be no harm caused to the occupants of this property in terms of overlooking. As previously mentioned, the properties to the rear are located approximately 12 metres from the applicant dwelling, given this and that there would be no new windows incorporated in the single storey rear extensions rear elevation, there would be no harm caused to these neighbours in terms of overlooking, overshadowing or overbearing.

Considering the above, the proposals in question would cause minimal if no harm to the neighbouring dwellings and therefore are considered acceptable in terms of residential amenity.

Impact on highway safety:

The proposed development relates to the erection of single storey rear extension and the erection of front and rear dormers that do not interfere with any areas of parking or access. The provision of parking therefore remains

unchanged, and as a result of this, there are no concerns regarding matters of highway safety in accordance with LP21 and LP22.

Other matters:

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: 2019/93518

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 schedule 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 Policy LP24 of the Kirklees Local Plan.

3. The external walls and roofing materials of the extension hereby approved 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 Policy LP24 of the Kirklees Local Plan.

4. The hereby approved front and rear dormer windows shall be constructed from materials that in all respects match those used in the construction of the existing roof and be thereafter retained.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	1941.1	1	05/11/2019
Existing Floor Plans	1941.2	1	05/11/2019
Existing Front and Rear Elevations	1941.5	1	05/11/2019
Existing Side Elevation 1	1941.6	1	05/11/2019
Existing Side Elevation 2	1941.7	1	05/11/2019
Proposed Ground Floor Plan	1941.3	1	05/11/2019
Proposed Second Floor	1941.4A	2	18/12/2019

Plan Type	Reference	Version	Date Received
Plan			
Proposed Front and Rear Elevations	1941.8A	2	18/12/2019
Proposed Side Elevation 1	1941.9	1	05/11/2019
Proposed Side Elevation 2	1941.10	1	05/11/2019

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. There was no reason to contact the agent or applicant as the details were acceptable as submitted.

Report Dated: 12/12/2019