

**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: 2020/62/90275/W

Site Address: 3, Holly Road, Thornton Lodge, Huddersfield, HD1
3SE

Description: Erection of dormer window to front

Recommending Officer: Alice Huxley

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: 30-Apr-2020

Officer Report

Site Description

3, Holly Road, Thornton Lodge, Huddersfield.

3 Holly Road is a mid-terrace brick constructed property located within a predominantly residential area whereby the majority of dwellings are all stone constructed and inform in design. Many of the properties on Holly Road do not benefit from off-road parking therefore parking congestion in this area is quite common. It is noted that there are few dormer extensions along Holly Road however on other connecting roads, dormer extensions are common.

Description of Proposal

Erection of dormer window to front.

The proposed dormer extension would project approximately 2.3 metres from the roof-plane on the dwelling's front elevation at a width of 1.8 metres, an eaves height of 1.6 metres, rising to an overall height of 1.75 metres to accommodate a fourth bedroom. Proposed materials consist of cladding to the elevations and tiles to the roof as well as one upvc window.

History of negotiations/amendments received

Amendments were sought due to concerns regarding the scale of the dormer and its impact on visual amenity. Revised drawings were received on 27/04/2020 addressing the concerns.

Relevant Planning History

None at application site.

2020/90274 – (no.1) Erection of dormer window to front – *pending consideration*.

Representations

Final publicity date Expires:

Neighbour letters expire 7th March 2020; site notice expires on 5th March 2020.

No representations were received.

Parish/Town Council comments:

Not applicable.

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**
- **Chapter 14 – Meeting the challenge of climate change, flooding and coastal change**

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity (including any heritage considerations)
- 2) Impact on residential amenity

- 3) Impact on highway safety
- 4) Other matters – e.g. trees/ecology (e.g. bats)
- 5) Representations
- 6) 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...’

In regards to visual amenity, it is recognised that no.3 and no.1 Holly Road are brick constructed whilst the adjacent properties are stone constructed. As such, these dwellings as a pair already at odds with the general character and appearance of the street scene in comparison to the other properties. That being said, despite there being few dormers in the area, it has been considered that because no.3 and no.1 cumulatively, are of a distinctly different design to the neighbouring dwellings, the incorporation of a dormer window would not be unduly detrimental to the area in terms of visual amenity. It has also been noted that a planning application for a front dormer at no.1 Holly Road proposes a dormer to the front is also pending consideration. As a result, if permission is granted and the dormer windows are implemented, no.3 and no.1 would still appear symmetrical to one another in terms of design. Furthermore, submitted plans show the dormer to be set up from the eaves and down from the ridge of the original dwelling and incorporate materials that would match the roof of the host property. The dormers themselves, taken in isolation in respect of these two properties, would not be unduly prominent in the roofscape.

For the reasons set out above, the proposed dormer is considered to be acceptable in terms of visual amenity and complies with LP24 of the Kirklees Local Plan

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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’.

With regards to residential amenity, the adjoining property no.5 Holly Road appears to be on slightly higher land; as such, given the nature of the proposal and that the proposed dormer window would not exceed the height of no.5, minimal concerns have been raised in terms of overbearing and overshadowing. In regards to overlooking, although the proposal would introduce a new opening at second floor level, this would look out onto no.5's

front garden which is already visible from the public highway. As such, it has been considered that the proposal would not be detrimental to no.5's privacy.

As mentioned previously, the adjoining property (no.1) also has a planning application for a front dormer pending consideration. Given that no.1 is an end of terrace dwelling and the proposed dormer in this application would be set away from the shared boundary at an appropriate scale, minimal concerns have been raised in regards to overbearing or overshadowing. In terms of overlooking, similarly to no.5, the proposal would introduce a new opening at second floor level, this would look out onto no.1's front garden. Notwithstanding this, this can be viewed from the public highway and as such, it has been considered that the proposal would not be detrimental to no.1's privacy.

Regarding the properties opposite the applicant site (no.4 and no.6), given that these properties are approximately 20 metres away from no.3 and the proposed dormer window would be looking onto no.4 and no.6's front garden which can be seen publicly, minimal concerns have been raised in terms of overlooking, overbearing or overshadowing.

For the reasons set out above, the proposal is considered to comply with B and C of LP24 and therefore is acceptable in terms of residential amenity.

Impact on highway safety:

The proposed development relates to the erection of a front dormer that does 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:

Climate Change

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

In this instance the proposed alterations to the roof would re-use the existing floor space to increase the size of the second floor. As the proposal would not result in no additional built form and retain the existing footprint of the dwelling the proposal would comply with LP24 (d) of the Kirklees Local Plan. In

addition the use of the roof space for habitable accommodation would improve the insulation envelope of the whole dwelling.

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: 2020/90275

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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	1909.1	1	03/02/2020
Existing Floor Plans	1909.2	1	03/02/2020
Existing Elevations	1908/1909.7	1	03/02/2020
Existing First and Second Floor Plans	1909.5	1	03/02/2020
Proposed Second Floor Plans	1908/1909.6A	2	27/04/2020
Proposed Elevations	1908/1909.8A	2	27/04/2020

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. Amendments were sought due to concerns regarding the scale of the dormer and its impact on visual amenity. Revised drawings were received on 27/04/2020 addressing the concerns.

Report Dated: 30/04/2020

