

**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: 2020/62/90989/W
Site Address: 14, Edgerton Road, Edgerton, Huddersfield, HD1 5RB
Description: Erection of dormers and alterations (within a Conservation Area)
Recommending Officer: Ellie Worth

DECISION - Refused

I hereby authorise the refusal 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: 14-Dec-2021

Officer report

Site description

14 Edgerton Road, is a two storey traditional dwelling, constructed from stone. Its design takes its inspiration from the 16th century, when English architecture was influenced by both French and Flemish styles and existing English traditions. To the front of the property, is a driveway and an area of hardstanding, with a wrap around garden to the side and rear. To the South West of the main dwelling is a detached flat roof double garage. Boundary treatment consists of stone walling, timber fencing and hedging.

The site is set within a predominantly residential area and is adjacent to a number of Listed Buildings. The property is also located within Edgerton Conservation Area on the Kirklees Local Plan. The trees within the site are mainly protected by the Conservation Area, with one TPO being situated along the sites frontage.

Description of development

The applicant is seeking permission for the erection of dormers and external alterations. The measurements of the dormer are as follows:

Flat roof dormer:

- 1.3m in maximum height
- 8.5m in width
- 5m in depth

Dual pitched dormers:

- 1.9m in width
- 1.3m in height
- 1.4m in depth

The dormers would be constructed from tiles to match those that exist on the host dwelling. External alterations, include the insertion of roof lights, however, these are likely to fall under the remit of permitted development.

It is also noted that the lean to extension is still shown on the elevations plans. This is a discrepancy, as the agent has confirmed that the applicant is now only seeking permission for the dormers and roof lights.

History of negotiations/amendments received

Officers have entered into significant discussions with the applicant and agent regarding the scheme. In this case, additional tree information has been submitted. However, given the concerns raised regarding the design of the extensions, these have been removed from this application. Therefore, the final assessment is based upon the dormer windows proposed.

Relevant Planning History

At the application site:

2020/90246 Certificate of lawfulness for proposed erection of single storey side extension and rear dormer window (within a Conservation Area) – Refused.

Representations

The application has been advertised via site notice, neighbour notification letters and the press.

Final publicity expired: 6th June 2020.

As a result of the above publicity, no representations have been received.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

KC Conservation and Design: In objection to the scheme.

KC Trees: Raised objection to the scheme, when the extensions were proposed.

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 situated within Edgerton Conservation Area on the Kirklees Local Plan.

Kirklees Local Plan:

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 21 – Highway safety
- LP 22 - Parking
- LP 24 – Design
- LP30 - Biodiversity
- LP33 - Trees
- LP 35 – Historic environment

Supplementary Planning Documents (SPD)

House extensions and alterations

Kirklees Council has adopted supplementary planning guidance on house extensions which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this

SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

Highways design guide.

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, 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 12 – Achieving well design places
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

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

1. Principle of development

The site is located within Edgerton Conservation Area. Therefore, Sections 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities to pay special attention in order to preserve or enhance the character and setting of listed buildings or land within a Conservation Area. This is reiterated in Policy LP35 of the Local Plan and Chapter 16 of the National Planning Policy Framework regarding the historic environment.

Furthermore, LP35 states “development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm”. Whether harm exists, and whether it is substantial or less than substantial, will be assessed and discussed later in the report.

Alongside this, LP1 of the KLP 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. Policy LP24 of the KLP is also relevant and states that “good design should be at the core of all proposals in the district.

In this case, a full assessment upon the impact on visual amenity, heritage, residential amenity, highway safety and all other material considerations will be taken into account below.

2. Impact on visual amenity and heritage

Whilst significant amendments have been sought as part of this application, in order to remove both side extensions, concerns are still raised regarding the impact in which the flat roof dormer would have upon the character and appearance of Edgerton Conservation Area.

More specifically, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the Local Planning Authority shall pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Policy LP24 of the Local Plan requires that extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers.

Policy LP35 of the Local Plan requires that development proposals affecting a designated heritage asset should preserve or enhance the significance of the asset.

Paragraph 5.25 of the Council's recently adopted House Extensions and Alterations SPD regarding dormer windows states that *"the design of dormer windows and roof extensions should reflect the character of the area, the surrounding buildings and the age, appearance and materials of the existing house. Ideally, dormers should be located to the rear of a house and should be as small as possible with a substantial area of the original roof retained."*

However, in this case, Officers have noted that dormer windows are not a common feature within the surrounding landscape, with the flat roof element appearing incongruous due to its size and scale. This has been proposed based on function rather than form and would be widely viewed from Edgerton Road. As such, the design of the dormer windows can not be supported.

Two dual pitched dormers would also be an addition to the development, however, on balance given their limited size and scale, any impact is not considered to be undue. This is due to the sympathetic design of these elements, in which would harmonise to an acceptable degree with the host property.

Alongside the above, the application has also been assessed by the impact the development would have on Edgerton's Conservation Area. More importantly the areas Conservation Area Appraisal sets out that the site lies within the Character Area 1, highlighting that the dwelling makes a positive contribution. The site also lies adjacent to several Listed Buildings, whereby the existing grain is dominated by large traditional buildings, set within generous plots.

The high architectural quality of the buildings within the area is reflected in a number of buildings that are listed as being of historic or architectural significance. In this instance, Officers have noted that the dwelling is not Listed, however, it is considered to represent a non-designated heritage asset.

In this instance, KC Conservation and Design have been formally consulted, raising no objection to the roof lights, provided that these are conditioned as being of a 'Conservation' style. However, the flat-roofed dormer spanning the double pile roof, would be out of keeping of the area and therefore the development would cause moderate harm to the character and appearance of Edgerton Conservation Area. That harm would be less than substantial.

In this case, no public benefits have been provided to outweigh the harm, other than the fact that the roof is in need of repair. However, Officers are convinced that such repairs could be undertaken, without the need of a flat roof dormer. As such, the public benefits are not considered to outweigh the harm raised.

For these reasons, the proposal would fail to comply with the aims of Policies LP24 and LP35 of the Kirklees Local Plan, Chapter 5.4 of the House Extensions and Alterations SPD, Chapter 12 and 16 of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990.

3. Impact on residential amenity

The impact of the proposal on the amenity of surrounding properties and future occupiers of the dwellings needs to be considered in relation to Policy LP24 of the Local Plan which seeks to "provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings."

The House Extensions and Alterations SPD sets out a number of design principles which will need to be considered when assessing a proposals impact on residential amenity, which state:

- Principle 3 - that "extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours."
- Principle 4 - that "extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light, and outlook."
- Principle 5 - that "extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property."
- Principle 6 - that "extensions and alterations should not unduly reduce the outlook from a neighbouring property."
- Principle 7 - that "extensions and alterations should ensure an appropriately sized and useable area of private outdoor space is retained. Normally at least half the garden area should be retained as part of the proposals."

In this case, given the application sites generous curtilage, it has been considered that the dormers and roof lights proposed, would not result in any material overbearing, overshadowing and overlooking upon neighbouring amenity. This is due to the fact that there would be separation distances in excess of 15m retained to no.s 12, 14a and 16 Edgerton Road.

As such, should the principle be considered acceptable, then officers are satisfied that an acceptable level of amenity could be retained in accordance with Policy LP24 of the KLP, the aims of the House Extensions and Alterations SPD and Chapter 12 of the NPPF.

4. Impact on highway safety

It has been noted that the proposal is likely to intensify the domestic use at the application site, as a bedroom has been proposed within the attic. As such, in the case of an approval, Officers would have requested a site plan to show on site parking.

However, having undertaken the site visit, it is considered likely that 3 on site parking spaces for a 4+ bedroom can be achieved. This would be to accord with Policy LP21 and LP22 of the KLP.

5. Other matters

Biodiversity

The site is in the bat alert layer but on the basis of an external viewing, it would appear to have no bat roost potential. Nonetheless, in the case of an approval, a standard precautionary note would be attached to the decision notice. This is to accord with Policy LP30 of the KLP and Chapter 15 of the NPPF.

Trees

KC Trees have been formally consulted as part of this application, given the fact that the trees within the site are protected by the Conservation Area and a Tree Preservation Order. In this case, a tree survey, impact assessment and method statement has been submitted, as the application originally proposed extensions to the dwelling, whereby significant concerns have been raised by the information proposed. As such, this raised objections from KC Trees.

However, it has been noted that as part of the amendments proposed, the applicant is now only seeking permission for dormer windows and roof lights, whereby no additional ground works would be proposed. For this reason, there would be no further impact, in accordance with Policy LP33 of the KLP.

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 predates 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 case, due to the nature of the proposal is not considered reasonable to require the applicant to put forward any specific resilience measures. Nonetheless, it has been noted that the dormers would be constructed from hanging tiles to match those that exist on the host property and therefore could be sourced locally. The use of additional glazing would also aid passive solar gain and reduce the need for artificial light.

6.Representations:

No representations have been made.

7. 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 proposals do not accord with the development plan and that specific policies in the NPPF provide a clear reason for refusing the development proposed.

Recommendation Refuse

Decision Authorisation - Delegated Powers

Application Number: 2020/90989

Officer Recommendation: Refuse

Reason for refusal

1. The proposed flat roof dormer by reason of its scale, spanning a large section of the roof of the host dwelling and flat roof design, would form an incongruous addition to the host dwelling, which would be widely viewed from Edgerton Road and the wider Edgerton Conservation Area. The proposal would therefore cause detrimental harm to the character and appearance of Edgerton Conservation Area and the setting of the surrounding Listed Buildings. This harm is considered to be less than substantial, however, as required by Paragraph 202 of the National Planning Policy Framework, great weight has been given to that harm in assessing the impact of the proposed development. Public benefits have not been demonstrated that would outweigh the harm caused in this case. The development would therefore be contrary to the Council's duties under the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies LP24 and LP35 of the Kirklees Local Plan, the aims of the Councils House Extensions and Alterations SPD and Chapters 12 and 16 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Heritage statement	-	-	27 th April 2021
Location plan and existing floor plans and elevations	2019045(0-)01	-	18 th August 2020
Tree constraints plan	16199/AJB	-	13 th October 2020
Arboricultural implications plan	16199/AJB	-	13 th October 2020
Arboricultural impact assessment	16199/AJB	-	13 th October 2020
Arboricultural method statement	16199-A/AJB	-	3 rd December 2020
Existing and proposed roof plan and floor plan	2019045(0-)06	-	1 st June 2021
Proposed elevations	2019045(0-)03	-	1 st June 2021

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 Planning 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. In this instance, Officers have entered into significant discussions with the applicant and agent regarding the scheme. In this case, additional tree information has been submitted.

However, given the concerns raised regarding the design of the extensions, these have been removed from this application. Therefore, the final assessment is based upon the dormer windows proposed.

Report Dated:

13th December 2021