

**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: 2020/62/93831/W
Site Address: 44, Shannon Drive, Mount, Huddersfield, HD3 3UL
Description: Erection of dormer windows to front and rear
Recommending Officer: Tom Hunt

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: 05-Jan-2021

Officer Report

Site Description

2020/93831 – 44, Shannon Drive, Mount, Huddersfield, HD3 3UL

No 44 Shannon Drive is a semi-detached bungalow with first floor accommodation in its roof, facilitated by pre-existing dormers both front and rear. The construction materials are stone faced to the front elevation and brick to the side and rear with concrete tile roof. The dormers are flat roofed with felt and clad with white horizontal slats. The windows and doors are white uPVC. To the rear, a small conservatory.

No. 44 is situated on a residential street with varying architectural styles and differing dormer treatments present.

Description of Proposal

Erection of dormer windows to front and rear

It is proposed to extend the pre-existing dormer extensions both front and rear to the north.

The front dormer would be extended and still be flush with the existing front dormer's primary elevation. The dimensions would be from 3.7m to 5.5m almost spanning the primary roof elevation. It would be stepped down from the roof ridge height by 2m. This would have an additional window.

The rear dormer will be stepped forward 0.40m of the existing rear dormer and extend approximately 2.5m width with a projection of 2.3m from roof. Overall it would be 5.8m spanning the rear roof elevation. It would be stepped down from roof ridge height by 2m.

The construction materials of the dormer white uPVC cladding and brick with a flat roof.

History of negotiations/amendments received

Amendments were secured to the design to reduce the front dormer's span to retain a subservient design feature to the host dwelling. The primary dormer would now be extended from 3.7m to 5.5m reducing its impact on the primary elevation.

The dormers' construction materials are now white uPVC cladding only.

Relevant Planning History

None.

Representations

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters which expired on: 25/12/2020

No representations have been received.

Consultation Responses

No technical consultees required. There is a claimed footpath outside the rear boundary of No. 44's rear garden.

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**
- **LP21 – Highways and access**
- **LP 22 – Parking**
- **LP 24 – Design**
- **LP 30 – Biodiversity**

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 12 – Achieving well-designed places
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity (including any heritage considerations)
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters – e.g. trees/ecology (e.g. bats)
- 6) Representations
- 7) Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 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 National Planning Policy Framework. LP1 goes on further to stating that:

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

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

2 –Impact on visual amenity:

In terms of visual amenity, general design considerations are set out in Policy LP24 of the Local Plan and Chapter 12 of the NPPF, which seek to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity.

The proposal has been amended to reduce the visual impact of the front/primary dormer would have on the principle elevation and allow it to remain subservient. It would also use white uPVC cladding materials to match the existing dormers. The dormer whilst cover the majority of the width of the roof, given its significant set down where it would the original roof covering would remain the dominant element it would on balance be acceptable. The rear dormer is stepped forward, however given its position on the rear elevation would not be prominent in the street scene and is considered to be acceptable.

In light of the above the design of the proposal is considered to be acceptable and accord with Policy LP24 of the Local Plan.

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 primary dormer matches the existing dormer’s projection from the roof and would not with its additional window cause harm to overbearing, overshadowing or privacy.

While the rear dormer is stepped forward of the existing this overlooks fields and would not cause additional harm when considering the existing relationship of the dormers to the fields.

4 – Impact on highway safety:

The proposed development would not adversely affect the existing parking spaces within the site and therefore would not cause additional harm to highway safety. It would not negatively impact on the claimed footpath to the rear of the site boundary being a minor iteration of the host dwelling’s design.

5 – 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.

Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development.

Biodiversity

Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest and therefore considered unlikely that the proposals would have an impact on the bat population. An informative has been provided however, making the applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.

6 – Representations:

No representations have been received.

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 would constitute sustainable development and is therefore recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers**Application Number:** 2020/93831**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.

NOTE: Due to its 'Bat Alert' location, a bat roost may be present on site. Bats are a European protected species under section 43 of the Conservation of Habitats and Species Regulations 2017. It is an offence for anyone to intentionally 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Plans - Location Plan	Location Plan		11/11/2020
Plans - Existing Floor Plans	Drg No: 20_138.1A		02/12/2020
Plans - Existing Elevations	Drg No: 20_138.2A		02/12/2020
Plans - Proposed Floor Plans	Drg No: 20_138.1.1A		02/12/2020
Plans - Proposed Elevations	Drg No: 20_138.2.1A		02/12/2020

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.

The case officer undertook negotiations with the applicant to secure amended plans to improve design and visual amenity.

22/12/2020

Report Dated: