

**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: 2020/62/94164/E

Site Address: 8, Millers Croft, Birstall, Batley, WF17 0RN

Description: Erection of front and rear dormers

Recommending Officer: Josh Kwok

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.

Paul Dowd

AUTHORISED OFFICER

Date: 28-Jan-2021

Officer Report

Site Description

8 Millers Croft, Birstall comprises a two-storey, semi-detached house, a reasonably sized garden to the rear, a detached single garage and a driveway to the side. The application site is relatively exposed to the front and the side, but it is separated from the neighbouring properties by timber fencing to the rear. The property forms part of a wider residential scheme and, therefore, shares a number of similarities in terms of scale, design and material with the neighbouring properties.

The application site and its surrounding area are wholly residential characterised by two-storey semi-detached properties. There is a change in land levels, with the application site being set at a lower level than the neighbouring properties to the south-west, but at a higher level than those to the north-eastern direction.

Description of Proposal

Planning permission is sought to alter the design and scale of an approved scheme, comprising a dual-pitched roof front dormer, a flat roof rear dormer and a single-storey rear extension, under planning permission 2017/92914. The details of the development proposals are set out as follows:

- 1.5m wide x 2.3m high x 3.4m deep (flat roof front dormer)
- 4.2m wide x 2.6m high x 4.0m deep (flat roof rear dormer)
- Facing materials to be matching brick and tiles
- Roofing materials to be flat roof membrane and tiles to match

History of negotiations/amendments received

No amendments sought on this occasion.

Relevant Planning History

2019/93670 – Erection of front and rear dormers (8, Millers Croft) – Refused; Appeal Dismissed.

2017/92914 – Erection of single storey rear extension and front and rear dormers (8, Millers Croft) – Approved.

Representations

This application was publicised by neighbour letter, which expired on 21-Jan-2021. Following this publicity, one representation was received from an occupant of a neighbouring house, who raised the issues below.

- The original objection in relation to the extensions should stand and the house should be put back into its original state.

- This development adversely affects visual amenity and harm the privacy of the neighbouring occupants.

Consultation Responses

No consultations required for this application.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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 (KLP):

- **LP 01** – Achieving sustainable development
- **LP 02** – 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
- 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:

Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is the focus of policy LP1 of the Kirklees Local Plan (KLP). This policy stipulates that proposals that accord with policies in the KLP will be approved without delay, unless material considerations indicate otherwise. Policy LP24 of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development in the surrounding area as well as to protect the amenity of the future and neighbouring occupiers, to promote highway safety and sustainability. These considerations, along with others, are addressed in the following sections in this report.

2 – Impact on visual amenity:

The scale of development is acceptable from a visual amenity perspective, for it would be nearly identical to that of the original scheme approved in 2017. The dormers could be read as a subservient addition to the main house. In this respect, it complies with policy LP24 of the KLP.

The facing and roofing materials are the same as approved. No additional impact on visual amenity and the local street-scene would arise from this development, compared with the approved scheme. The design of the front dormer has now reverted to a dual-pitched roof, which looks in-keeping with the surrounding buildings in the vicinity of the site on Millers Croft. Whilst there are minor changes to the fenestration detailing of the rear dormer, they are not found to affect the overall appearance of the house to any significant extent. Overall, therefore, this development is acceptable in design terms.

In conclusion, the current proposal has satisfactorily addressed the reason for refusal detailed in the decision notice of the previous application and that of the planning appeal, so that it is now acceptable in respect of its scale, design and materials. It would not prejudice the appearance of the dwelling, nor would it detract from the prevailing residential character of its immediate surroundings. Furthermore, the impact on the street-scene is low and acceptable visually. The proposal complies with policy LP24 of the KLP and chapter 12 of the NPPF.

3 – Impact on residential amenity:

The proposed dormers are positioned in the same way as approved, albeit being slightly larger than approved in 2017. As such, they are considered not to have a greater impact on the privacy of the neighbours than the approved dormers. The difference in land levels and the separation distance with the surrounding development could alleviate the privacy concerns raised in the written representation. No additional overshadowing and overbearing impacts are anticipated for the development under consideration.

In all, whilst recognising the neighbour's concern in respect of overlooking, it is considered that the proposal does not impact the living conditions of the neighbours beyond what has already been approved at the application site. There are site-specific factors to mitigate the impact on neighbours. Hence,

the proposal could be supported from a residential amenity perspective and is compliant with policy LP24 of the KLP, which requires all proposals to minimise the residential amenity impact on future and neighbouring occupiers.

4 – Impact on highway safety:

The proposal would intensify the residential use of the application property but would not affect the parking arrangement of the site. There would be adequate off-street parking provision available to the existing and future occupiers of this property in-line with the KC Highways Design Guide SPD and policy LP22 of the KLP.

The development, as proposed, would be occupied by one household as existing. Hence, it would not cause a significant increase in traffic generation that would prejudice highway safety and efficiency. Therefore, officers consider there to be no unacceptable highway safety issues. The proposal would accord with policy LP21 of the KLP.

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.

The proposal is a small-scale domestic development to an existing dwelling. As such, no specific measures are required in terms of the planning application, with regards to carbon emissions. However, there are controls in place in terms of Building Regulations, which will need to be adhered to as part of the construction process and which will require compliance with national standards.

There are no other matters considered relevant to the determination of this application.

6 – Representations:

As a result of the statutory publicity, one representation was received from an occupant of a neighbouring dwelling, who raised the issues below.

- The original objection in relation to the extensions should stand and the house should be put back into its original state.

Response: The current scheme, as concluded in the above sections in this report, is acceptable and compliant with the relevant policies in the KLP and the NPPF.

- This development adversely affects visual amenity and harm the privacy of the neighbouring occupants.

Response: These issues have already been considered in the visual and residential amenity sections. The impacts are acceptable in respect of the relevant planning policies.

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:** 2020/94164**Officer Recommendation:** Approve**Conditions and Reasons**

1. 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 to ensure the satisfactory appearance of the development on completion, and to accord Policies LP21, LP22 and LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

2. The external walls and cheeks of the dormers hereby approved shall be faced with concrete tiles to match those used in the construction of the existing building and the roofs shall be covered with flat roof membrane and concrete tiles, in accordance with the approved details.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location plan			04-Dec-2020
Proposed plans and elevations	PAD.301.568		04-Dec-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 has, 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. No amendments were sought in this instance, as the development is considered acceptable in its submitted form.

Report Dated:

27-Jan-2020
