

**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: 2021/62/90500/W

Site Address: 43, Heaton Gardens, Paddock, Huddersfield, HD1 4JA

Description: Raising of ridge height and erection of rear dormer

Recommending Officer: Tom Hunt

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: 29-Apr-2021

Officer Report

Site Description

2021/90500 – 43, Heaton Gardens, Paddock, Huddersfield, HD1 4JA

No. 43 is a detached two storey dwelling constructed of stone with brick detailing and concrete tile roof. It has an integral garage and driveway and lawned section to the front. There is a gable end and gable dormer to the front roof elevation. There is a terraced garden to the rear overlooking Gledholt Woods to the north. There is parking space sufficient for three cars including the integral garage. It sits within a ribbon development of similar constructed houses with no dormers.

Description of Proposal

Raising of ridge height and erection of first floor rear extension

It is proposed to add a flat roofed rear dormer to rear roof elevation. Plans show the original roof ridge height would be 7200mm and eaves at 4700mm approximately; the proposal is to raise the roof ridge height to provide adequate head clearance for the dormer to 7765mm with eaves to be the same as the host dwelling. The elevation of the rear dormer would be stepped back from the rear elevation by 0.2m, set in from the side of the roof 0.3m and set down from the roof ridge height by 0.2m approximately. It would be 2.5m height and 7m in width. It would have three windows to its rear elevation, be clad in cement board cladding finished in dark grey or hung tile to match existing with similar cheeks clad to its west and east elevations. There would be no windows to the side elevations. No skylights are proposed. The dormer would serve staircase, ensuite, bedroom and a dressing room.

History of negotiations/amendments received

The case officer considered the application on review and sought to reduce the size of the original proposal to better accord with the draft SPD on House Extensions and the Local Plan LP24. The scheme is no longer walled on either side elevation and has had its profile reduced to be a true dormer.

Relevant Planning History

97/91386 – Proposal: ERECTION OF 29 DWELLINGS AND GARAGES.
Decision: FC - CONDITIONAL FULL PERMISSION. Decision date:
06/03/1998.

97/91386 – (9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, permitted development rights are withdrawn for the erection of any building or extension on the drive of plots 1 to 29.

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: 06/04/2021

One representation have been received; a summary of the comments received is set out below:

- Access to neighbouring land not granted during construction
Officer Note: This is not within Planning control. A footnote to this has been added to Conditions.

Consultation Responses

No technical consultees required.

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**

Kirklees Council is currently in the process of producing its supplementary planning guidance on House extensions. Although this is at the draft stage, it does need to be considered in the assessment of planning applications with some weight attached. The general thrust of the advice is aligned with both the Kirklees Local Plan and the National Planning Policy Framework, requiring

development to be considerate in terms of the character of the host property and the wider street scene.

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

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.

LP24 of the Kirklees Local Plan requires extensions to be “subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details”.

The proposal is for a rear dormer which is set in from all sides of the rear roof elevation and clad in similarly grey cladding or hung tile to match the host dwelling’s roof, for these reasons this scheme would be clearly regarded as subservient and small in scale. Turning to the increase in roof ridge height to enable head clearance, this would be a modest increase in height for a detached residence and would not detrimentally impact on the visual amenity of the streetscene.

The proposal is therefore regarded as acceptable for permission in this regard as it would not significantly harm the visual amenity of the area and be acceptable and accord with Policy LP24 of the Local Plan and the House Extensions and Alterations draft SPD.

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 proposed extension and alterations are assessed upon whether they would have a detrimental effect on residential amenity, adjoining dwellings or any occupier of adjacent land by way of overshadowing, overbearing or overlooking and also in terms of its design, size and visual amenities. The closest properties to be affected by the development are No. 41 (west) and No. 45 (east). Southerly Properties facing No. 43 would not be impacted by the dormer as it would be blocked from view by No. 43’s roof.

With regard to No. 41, the proposed would be set forward of 41, be northeast of 41, and have a separation distance of 4m with no windows at the side elevations facing, which would ensure that there would be no detrimental overbearing, overshadowing or overlooking impact.

Considering impact to No. 45, the dormer would be to the west of the property, there are no windows to the side elevations of both No. 45 and the dormer and it would be set in the roof to minimise impact which would, on balance, be a scheme that would ensure that there be no additional detrimental overbearing, overshadowing or overlooking impact.

4 – Impact on highway safety:

Turning to highway safety, Policies LP21 and 22 of the Local Plan have been considered along with the KC Highway Design guide. The policies seek to ensure that new developments have an acceptable impact on highway safety

and provide sufficient parking. The proposed development would not adversely affect the existing parking spaces within the site, still offer two off street parking spaces and therefore would not cause additional harm to highway safety.

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. The dwelling has a concrete tiled roof that does not have cracks or crevices and the eaves appear well sealed. 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:

One representation had 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: 2021/90500

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 cladding materials of the extension hereby approved shall in all respects match in colour 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.

NOTE: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership

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 - Grouped Plans and Elevations	Plan, Section & Elevations - As Existing. Drawing Number: A(00)-02. Job Number: 2057. Dated: Jan 2021.		09/02/2021
Plans - Grouped Plans and Elevations	Proposed Elevations and Section of Rear Dormer. A(10)-01. Job Number: 2057. Amended and received 26/04/2021	Rev A	27/04/2021

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 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 reduce the scale and size of the dormer to be better in keeping with the draft SPD on House Extensions and LP24 for visual amenity.

Report Dated: 27/04/2021