

**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: 2021/62/91018/E

Site Address: 383, Lees Hall Road, Thornhill Lees, Dewsbury, WF12 9HB

Description: Erection of rear dormer

Recommending Officer: Nina Sayers

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: 06-May-2021

Officer Report

Site Description

383 Lees Hall Road is a two-storey, end of terrace dwelling in Dewsbury. It has a yard to the front and a garden to the rear and there is an unadopted highway which provides access to the rear of the property. The property is constructed from red brick with a stone frontage. It appears there is a single storey rear extension already erected to the rear of the property.

The surrounding area is predominantly residential with properties of a variety of sizes, designs and ages.

Description of Proposal

The applicant is seeking permission for the erection of a dormer window to the rear of the property.

The proposed dormer would project 4.6 metres out of the roof face. It would be 2.6 metres high and 4.7 metres wide. The proposed dormer would cover almost the entirety of the existing rear roof face but would be set down from the existing roof height by 0.2 metres, in from the existing side elevations by 0.3 metres and back from the existing rear elevation by 0.2 metres. It would have two windows proposed in the rear elevation and would serve two additional bedrooms.

The proposed would be constructed from brickwork walls, EPDM or GRP flat roofing and UPVC windows.

History of negotiations/amendments received

Concerns were raised over the subservience of the proposed dormer window. Amendments were sought and received to set the dormer window in, back and down from the existing roof. An amended site plan with parking provision was also provided.

The amended plans were not re-advertised as the amendment poses less detriment to residential amenity than the original proposal so therefore, less likely to receive representation.

Relevant Planning History

2020/90699 – Prior notification for single storey rear extension. Prior approval not required.

Representations

The application was advertised by neighbour letter. Final publicity expired 04/05/2021.

No representations were received.

Officer comments will be made in section 6 of this report.

Consultation Responses

Kirklees Council Highways DM were formally consulted regarding the parking provision at this property.

Kirklees Council's Strategic Waste officers were consulted due to the proximity of this site to a historic landfill site.

Their comments will be summarised in section 6 of this report.

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:

- **LP1** – Achieving sustainable development
- **LP2** – Place shaping
- **LP21** – Highways and access
- **LP22** – Parking
- **LP24** – Design
- **LP53** – Contaminated and unstable land

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
- 1) Impact on visual amenity and historic environment
- 2) Impact on residential amenity

- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conclusion

1 – Principle of development:

The proposal is for the erection of a rear dormer extension to an existing residential property. The site is without notation on the Kirklees Local Plan (KLP). Policy 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. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with Chapter 12 of the NPPF, regarding design.

The proposal is for an extension within the curtilage of an existing residential property. The extension would be relatively small in scale in relation to the host property and would not alter the boundary of the existing dwelling. In this case, the principle of development is considered acceptable and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity as well as highway safety.

2 – Impact on visual amenity

The proposed development would be to the rear of the property and so would not be visible from the street scene. It would be set in, down and back from the existing dwelling boundaries and so is considered subservient to the host dwelling which would remain the dominant feature following development. It is also noted that a rear dormer window of this size could be built under permitted development. The proposed development would have brick walling to match the existing dwelling.

It is therefore considered that this development would not cause any significant harm to the visual amenity of either the host dwelling or wider street scene, thus complying with policy LP24 in the KLP and the aims of chapter 12 of the NPPF.

3 – Impact on residential amenity

The proposed development would be on the roof of the host dwellinghouse. It would have no windows on the proposed side elevation and there are no properties to the rear of the application site. It is therefore considered that no harm would be caused to the amenity of the neighbouring residents due to the proposed development.

Having considered the above factors, the proposals are considered to not result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the KLP and chapter 12 of the NPPF.

4 – Impact on highway safety

The extension would serve two additional bedrooms making this property a four-bedroom dwelling therefore, three off-street parking spaces are required. Kirklees Council Highways DM were consulted regarding the parking provision at this property and a site plan showing adequate off-street parking provision was requested and provided. The amended site plan shows adequate off-street parking for two vehicles to the rear of the property and one on-street parking provision to the rear. This is considered acceptable in this instance as the on-street parking would be on an unadopted highway, which provides rear access to the properties on this terrace and is wide enough for two vehicles. It would, therefore, not cause any obstruction.

It is considered that the proposed extension will not cause any additional harm in terms of highways safety and, accordingly, the proposal complies with LP21 and LP22 of the KLP.

5 – Other matters

Historic Landfill Site

Kirklees Council Strategic Waste were consulted as the application site is within 250 metres of a historic landfill site. Very low levels of methane were recorded during the last landfill gas monitoring and there is a significant amount of built environment between the application site and former tip. It is therefore considered that landfill gas measures are not required and so there are no objections to the proposed development. The proposal, therefore, complies with LP53 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 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 were 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.

6 - Representations

No representations were received.

7 – Conclusion

This application to erect a dormer window to the rear of 383 Lees Hall Road has been assessed against relevant policies in the development plan, as listed in the policy section of the report, the NPPF and other material considerations.

Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed extension is considered acceptable.

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.

As set out above, 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: 2021/91018

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 to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24 and LP53 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The external walls of the extension hereby approved shall in all respects match 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 and the aims of Chapter 12 of the National Planning Policy Framework.

4. The roofing of the extension hereby approved shall be finished in EPDM or GRP as demonstrated on plan "S02 revision C" and thereafter retained.

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

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: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of: 07.30 and 18.30 hours, Mondays to Fridays, 08.00 and 13.00 hours, Saturdays, with no working Sundays or Public Holidays. In some cases, different site-specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services may control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Grouped existing plans and elevations	S01		11/03/2021
Grouped proposed plans and elevations	S02	Revision C	24/04/2021

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 Planning 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.

Concerns were raised over the subservience of the proposed dormer window. Amendments were sought and received to set the dormer window in, back and down from the existing roof. An amended site plan with parking provision was also provided.

Report Dated: 06/05/2021