

**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: 2021/62/91432/E

Site Address: 37, Soothill Lane, Soothill, Batley, WF17 6NJ

Description: Erection of dormer windows to front and rear (within a Conservation Area)

Recommending Officer: Alice Downham

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.

Paul Dowd

AUTHORISED OFFICER

Date: 30-Jun-2021

Officer Report

Site Description

37 Soothill Lane is a mid-terraced dwelling located in Soothill, Batley. It has two storeys to the front elevation, three storeys to the rear and is constructed from natural stone, with a dual-pitched roof finished in blue slates. The property benefits from amenity space to the front and a parking area/amenity space to the rear.

The location of the house is within a predominantly residential area, although there is some commercial use in the vicinity. The neighbouring properties are similar in age, character, and construction materials.

Description of Proposal

The applicant is seeking permission for the erection of dormer windows to the front and rear (within a Conservation Area). These would accommodate a bathroom and two additional bedrooms within the loft (number of bedrooms increases from 3 to 5). The approximate dimensions of the proposal are as follows:

Front dormer: 3.5m deep x 2.7m wide x 2.1m maximum height.

Rear dormer: 4.2m deep x 4.4m wide x 2.4m maximum height.

Proposed materials consist of dark grey coloured uPVC cladding to the face and cheeks. The dormers would both have flat roofs.

History of negotiations/amendments received

Given that the KC Conservation & Design team objected to the principle of dormers being erected, amended plans were not sought. Officers raised concerns regarding the level of parking post-development. The agent submitted a block plan showing the shared parking area to the rear of the applicant property. Re-advertisement was not considered necessary, as this plan would not increase in the level of development.

Relevant Planning History

None at the application site. At neighbouring properties:

89/06852 - Erection of extension to form 2 no. dormer bedrooms. Refused. (14 Clutton Street).

90/01447 – Erection of double dormer extension to form 2 bedrooms. Conditional full permission. (14 Clutton Street).

90/03549 – Double dormer extension. Conditional full permission. (16 Clutton Street).

2004/94742 – Erection of two storey extension, dormer extensions and detached granny flat. Refused. (12 Clutton Street).

2005/90768 – Erection of 2 storey extension, dormer extensions, and detached garage. Conditional full permission. (12 Clutton Street).
2020/92185 - Erection of single storey rear extension, dormer windows to front and rear and external alterations (within a Conservation Area). Conditional full permission. (18 Clutton Street).

Representations

The application was advertised by neighbour letter, site notice and in the press due to the site's location within the Station Road Conservation Area. Final publicity expired: 25/06/2021

Following the above publicity, one representation was received. The concerns raised are summarised as follows:

- Obstruction of views
- Dormer to rear on or close to shared boundary
- Concerns relating to roof stability, potential for leaks
- Imposing design
- Possible impact on Conservation Area
- Impact on value of property
- If the proposed rear dormer was the same size as the proposed front dormer then there would be no objection.

No parish/town council comments were required in this instance.

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

Consultation Responses

KC Conservation & Design: informal consultation, do not support the proposal. This will be discussed in the "Impact on visual amenity and historic environment" section of the 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 proposals maps.

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 under other matters.

Kirklees Local Plan:

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway safety
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity & geodiversity
- **LP 35** – Historic environment
- **LP 51** – Protection and improvement of air quality

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 9** – Promoting sustainable transport
- **Chapter 12** – Achieving well-designed places
- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change
- **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
- 1) Impact on visual amenity and historic environment
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conditions
- 7) Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan (KLP), policy LP1 of which 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. KLP policy LP2 sets out that, to protect and enhance the character of places, all development proposals should seek to build on the opportunities and help address the challenges identified in the Local Plan.

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. 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.

The site is also located within the Batley Station Road Conservation Area and, therefore, consideration has been given to the impact on the historic environment in relation to policy LP35 of the KLP.

These issues along with other policy considerations will be addressed below.

2 – Impact on visual amenity and historic environment:

The location of the property is within a predominantly residential area, although there is some commercial use in the vicinity. The neighbouring properties are similar in age, character, and construction materials. It is important to note that several properties on this street have been extended or altered in some way and it is, therefore, considered that dependent on design, scale, and detailing, it may be acceptable to extend the host property.

The site is within the Batley Station Road Conservation Area. After an informal consultation with the KC Conservation & Design team, they do not support this development as the proposal does not respect the character of the terraces. The applicant property is a mid-terraced house with a generally repetitive form. The proposal would add piecemeal alterations to the roofline and disrupt the repetitive form. The proposed development would have a harmful impact on the conservation area and, therefore, it fails to comply with policy LP35 in the KLP, in terms of proposals maintaining and reinforcing local distinctiveness and conserving those elements within a Conservation Area which contribute to their significance.

The proposed development would also harm the visual amenity of the host dwelling and the wider street scene, given that the applicant property is located within a Conservation Area. The proposal fails to comply with policy LP24(a) of the KLP in terms of the form of development respecting and enhancing the character of heritage assets.

3 – Impact on residential amenity:

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out in terms of policy LP24 c), which states that proposals should promote good design by, amongst other things, providing a high standard of amenity for future and neighbouring occupiers.

Impact on 35 Soothill Lane

This is the adjoining property to the west of the application site. Given the relatively small scale of the proposed dormers, that there would be no increase to the footprint of the applicant property, and that there would be no windows in the western side elevations, it is considered that there would be no significant impacts on the amenities of 35 Soothill Lane.

Impact on 39 Soothill Lane

This is the adjoining property to the east of the application site. Given the relatively small scale of the proposed dormers, that there would be no increase to the footprint of the applicant property, and that there would be no windows in the eastern side elevations, it is considered that there would be no significant impacts on the amenities of 39 Soothill Lane.

Impact on 16 & 18 Soothill Lane

These are the neighbouring properties to the front elevation of the application site. The proposed dormers would be relatively small in scale and there would be no increase to the footprint of the applicant property. Taking the above into account, along with the fact that the existing windows to the front elevation of the applicant property already face these neighbouring properties, it is considered that there would be no significant impacts on the amenities of 16 & 18 Soothill Lane, over and above the existing situation on site.

Impact on 4 Clutton Street

This is the neighbouring property to the rear elevation of the application site. The proposed dormers would be relatively small in scale and there would be no increase to the footprint of the applicant property. Taking the above into account, along with the fact that the existing windows to the rear elevation of the applicant property already face this neighbouring property, it is considered that there would be no significant impacts on the amenities of 4 Clutton Street, over and above the existing situation on site.

Having reviewed the above, it is considered that this proposal would not result in any significant adverse impact upon the residential amenity of any surrounding neighbouring occupants, thereby complying with policy LP24 of the KLP and paragraph 127 (f) of the NPPF.

4 – Impact on highway safety:

The proposed dormer windows to the front and rear (within a Conservation Area). These would accommodate a bathroom and two additional bedrooms within the loft (number of bedrooms increases from 3 to 5). The proposed development is, therefore, likely to result in an increase in the domestic use of

the dwelling but would not affect the existing parking arrangements at the site. Given that there is currently limited off-street parking at the property and limited opportunity to create additional off-street parking, on balance the current parking arrangements and harm to highway safety are considered acceptable. As such, the scheme complies with policies LP21 and LP22 of the KLP and Chapter 9 of the NPPF.

5 – Other matters:

Ecology

The site is located within a bat alert layer. Based on the site photos, the building appears well-sealed, with no evidence of bat roosts, nor bat roost potential. Should the recommendation be to approve the application, a footnote would be added to the decision notice to provide the applicant with advice should bats, or evidence of bats, be found during construction. This would accord with the aims of policy LP30 of the KLP and Chapter 15 of the NPPF.

Carbon Budget

The proposal is a small-scale domestic development to an existing dwelling. As such, no special measures are required in terms of the planning application, with regards to carbon emissions. However, there are controls in terms of Building Regulations, which would need to be adhered to as part of the construction process and which would require compliance with national standards. For this reason, the proposed development is considered to comply with policy LP51 of the KLP and chapter 14 of the NPPF.

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

6 – Representations:

One representation has been received. The concerns raised are summarised as follows:

- Obstruction of views
Officer comment: *This is not a material planning consideration.*
- Dormer to rear on or close to shared boundary
Comment: *The plans show that the proposed development would be located within the curtilage of 37 Soothill Lane. Ownership Certificate A has been signed, indicating that the land/building to which the application relates is owned by the applicant.*
- Concerns relating to roof stability, potential for leaks
Officer comment: *This is not a material planning consideration.*
- Imposing design, not in-keeping with other properties

Officer comment: *This is a material planning consideration relating to visual amenity and as such has been addressed within the visual amenity section of this report.*

- Possible impact on Conservation Area

Officer comment: *The impact of the proposal on the historic environment has been considered by the Conservation & Design team and is discussed in the “impact on visual amenity and historic environment” section of the report.*

- Impact on value of property

Officer comment: *This is not a material planning consideration.*

- If the proposed rear dormer was the same size as the proposed front dormer then there would be no objection.

Officer comment: *This is noted.*

7 – Conditions

None as the recommendation is for refusal.

8 – Conclusion:

This application to erect dormer windows to the front and rear (within a Conservation Area) at 37 Soothill Lane, Soothill, Batley, 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.

The applicant property is a mid-terraced house with a generally repetitive form, located within the Batley Station Road Conservation Area. The KC Conservation & Design team do not support this development as it is considered that the proposed front and rear dormers do not to respect the character of the applicant property and the neighbouring terraced dwellings. Given that the proposal would add piecemeal alterations to the roofline and disrupt the repetitive form, the proposed development would have a harmful impact on the conservation area and would fail to respect and enhance the character of this heritage asset.

Taking the above into account, along with the content of the main assessment, there are significant concerns about the harm to the historic environment. As such, the proposals are considered not to preserve or enhance the significance of the Batley Station Road Conservation Area, contrary to policies LP24(a) and LP35 of the KLP and chapters 12 and 16 of the NPPF.

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 proposals do not accord with the development plan and the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material considerations.

Recommendation

Refuse

Decision Authorisation - Delegated Powers**Application Number:** 2021/91432**Officer Recommendation:** Refuse**Conditions and Reasons**

1. The proposed dormer extensions to the front and rear would not respect the character of this mid-terraced dwelling or the wider street scene. The proposal would add piecemeal alterations to the roofline and disrupt the generally repetitive form. The proposed development would have a harmful impact on the Batley Station Road Conservation Area. To permit the proposed dormer extensions would harm the historic environment, contrary to Policies LP24(a) and LP35 of the Kirklees Local Plan and chapter 16 of the National Planning Policy Framework.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Block Plan		-	22/06/2021
Location Plan		-	20/04/2021
Grouped Plans and Elevations	21/28/A Rev A	-	20/04/2021
Conservation/Heritage Assessment	Heritage Statement	-	07/05/2021

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 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.

Given that the Conservation & Design objections to the principle of dormers being erected, amended plans were not sought. Officers raised concerns regarding the level of parking post-development. The agent submitted a block plan showing the shared parking area to the rear of the applicant property. Re-advertisement was not considered necessary, as this plan would not, in itself, result in an increase in the domestic use of the dwelling or an increase in the level of development.

Report Dated: 28/06/2021

