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:	**2022/62/90636/W**
Site Address:	59, Spaines Road, Fartown, Huddersfield, HD2 2SF
Description:	Erection of front dormer
Recommending Officer:	Ellie Worth

DECISION - REFUSED

I hereby authorise the refused 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: 21-Apr-2022

Officer report

Site description
59 Spaines Road, Fartown is a two storey back to back dwelling, which fronts the highway. The dwelling is constructed from natural stone with a tiled roof. At the time in which the site visit was undertaken, it was evident that the property benefits from on-site parking to the front. Boundary treatment consists of walling and timber fencing.

Surrounding the site is predominantly residential in character, with the common construction material being natural stone. The site is unallocated on the Kirklees Local Plan, however, it is adjacent to Birkby Conservation Area.

Description of Proposal
The proposal seeks planning permission for the erection of a front dormer. The measurements of the dormer are as follows:

- 5.9m in width
- 3.5m in depth
- 2.4m in height

Based on the details shown in the application form, the dormer would be finished in a grey timber/composite clad. Internally, a larger bedroom with en-suite would be provided.

History of negotiations/amendments received
None have been sought as part of this proposal, as the development is unacceptable.

Relevant Planning History
At the application site:
88/03123 Erection of conservatory – Refused.
89/01319 Erection of dormer extension – Refused.

No recent planning history at the neighbouring properties.

Representations
The application has been advertised via neighbour notification letters, a site notice and the press as affecting the setting of a Conservation Area.
Final publicity expired: 8th April 2022.
As a result of the above publicity, no representations have been received.

Consultation Responses
No consultations were considered necessary during the course of the application.

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 but is adjacent to Birkby Conservation Area.

Kirklees Local Plan:
- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 21 – Highways and access
- LP 22 – Parking
- LP 24 – Design
- LP 30 – Biodiversity and geodiversity
- LP 35 – Historic environment

Supplementary Planning Documents (SPD)
- House extensions and alterations
- Highways Design Guide

National Policies and Guidance
National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, 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 design places
- 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
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
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 The House Extensions and Alterations Supplementary Planning Document (SPD) and 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. These issues along with other policy considerations will be addressed below.

2.Impact on visual amenity

Policies LP1, LP2 and LP24 of the Kirklees Local Plan are all relevant, as these policies seek to achieve good quality design that retains a sense of local identify, which is in keeping with the scale of development within the area and is visually attractive. With reference to extensions, it is advised within LP24(c) that these ‘’are subservient to the original building and are in keeping with the existing building in terms of scale, materials and details and minimise the impact on residential amenity of future and neighbouring occupiers’’.

These aims are also reinforced within Chapter 12 of the NPPF (Achieving well designed plans) where paragraph 126 provides an overarching consideration of design stating that ‘’the creation of high quality buildings and places are fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’’.

With regard to the House Extensions and Alterations SPD, Key Design Principles 1 and 2 are relevant which state:

• Principle 1 - that “extensions and alterations to residential properties should be in keeping with the appearance, scale, design, and local character of the area and the street scene.”

• Principle 2 - that “extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and detail.”

Paragraph 5.24 relates specifically to dormer windows and roof extensions. It sets out how roofs are a prominent and visible element of the street scene and that unsympathetic roof extensions and dormer windows can have a significant effect on the visual appearance of both the individual building and street scene.

In this instance, the proposed dormer would dominate the full width of the front roof slope and would be readily visible within the street scene. It would be finished in a grey timber/composite clad.

Furthermore, paragraph 5.25 of the House Extensions and Alterations SPD sets out how the design of dormer windows and roof extensions should reflect the character of the area, the surrounding buildings and the age, appearance

and materials of the existing house. Ideally, dormers should be located to the rear of the house and with a substantial area of the original roof retained.

In this case, as outlined above, the front dormer would occupy the majority of the only roof plane on the dwelling and would only be set in from the side boundaries by 0.15m. Whilst the dormer would marginally be set up from the eaves and down from the ridge roof line, it is considered that, due to its scale, massing and design, it would introduce an element that would be wholly out of keeping with the design of the property, and the wider terrace row. The proposed fenestration would align with those that exist on the host dwelling but this is a minor positive point in the assessment of the whole scheme.

Lastly, paragraph 5.26 of the House Extensions and Alterations SPD continues to assess whether a dormer window is appropriate on the front elevation, with consideration been given to the surrounding buildings in the street.

In this setting, it has been noted that the applicant could not erect a rear dormer, due to the dwelling being a back to back, however, none of the neighbouring properties benefit from this type of development. Therefore, given that the dormer would occupy a prominent position on the principal elevation of the dwelling and would be highly visible within the street scene, it would form an incongruous feature within the street scene.

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Although the site isn't within the Birkby Conservation Area, it is very close to it. This is to the extent that the proposed dormer would result in less than substantial harm to the significance of the conservation area (Chapter 16 NPPF). There are no public benefits from the development proposed that would outweigh the harm caused.

In conclusion, the proposed front dormer would result in harm, in terms of visual amenity with regards to both the host dwelling and wider street scene. This is also intensified due to the site's sensitive location adjacent to Birkby Conservation Area. Therefore, the proposal fails to comply with Policies LP24 and LP35 of the KLP, in terms of the form and scale and the Key Design Principles 1 and 2 of the House Extensions and Alterations SPD and the aims of Chapters 12 and 16 of the NPPF.

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 House Extensions and Alterations SPD sets out a number of design principles which will need to be considered when assessing a proposals impact on residential amenity, which state:
• Principle 3 - that “extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours.”
• Principle 4 - that “extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light, and outlook.”
• Principle 5 - that “extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property.”
• Principle 6 - that "extensions and alterations should not unduly reduce the outlook from a neighbouring property.”
• Principle 7 - that “extensions and alterations should ensure an appropriately sized and useable area of private outdoor space is retained. Normally at least half the garden area should be retained as part of the proposals.”

With regards to residential amenity, no.s 53, 57 and 61 Spaines Road are the adjoining properties to the application site.

53 and 61 Spaines Road are the properties to the East and West, which share a side boundary with the application site. In this case, it has been assessed that the development would not have any material impact upon these neighbours amenity, as the dormer window would be situated within the roof slope. Neither neighbour also appears to benefit from any roof lights and therefore any impact would be limited.

57 Spaines Road is the adjoining neighbour to the rear of the application site. Given that the dormer would not extend above the ridge height, there would be no overbearing, overshadowing or overlooking upon these neighbours amenity.

Having considered the above factors, the proposal would not result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, thereby complying with Policy LP24 of the KLP (b), Key Design Principles 3, 4, 5, 6 and 7 of the House Extensions and Alterations SPD as well as Paragraph 130 (f) of the NPPF.

4. Impact on highway safety
It is unlikely that the development would intensify the residential use at the site, as a smaller bedroom already exists within the attic. Therefore, this proposal, seeks permission to enlarge it. Furthermore, from undertaking the site visit, it is evident that the dwelling already benefits from off street parking in which is likely to be suitable for the parking of at least 2 vehicles.

As such, no objection has been raised from a highway safety or parking perspective, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and Highways Design Guide SPD.

5. Other matters
Biodiversity

The site is identified as being located within the bat alert layer and therefore consideration has to be given to the impact of the proposed development on bats and bat roosts. Following a site visit, the building appeared to be well sealed and there was no evidence of bat roosts or bat roost potential. Furthermore the roof space is already utilised for habitable accommodation. Should the application be recommended for approval, and as a precautionary measure, a footnote could 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 chapter 15 of the NPPF and policy LP30 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 predates 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.

In this case, given that the proposal is for a small scale domestic extension to an existing dwelling, no special measures are required. Nonetheless, the installation of two windows would help aid natural light penetration and therefore, would reduce the need for artificial light. The formation of the dormer to modern Building Regulations may also assist in improving the insulation envelope of the dwelling.

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 proposals do not accord with the development plan and the adverse impact of granting permission on the visual amenity of the host dwelling and wider street scene would significantly and demonstrably outweigh any benefits of the development, when assessed against policies in the NPPF taken as a whole. Hence, this development is recommended for refusal.

Recommendation: Refuse

Decision Authorisation - Delegated Powers
Application Number: 2022/90636
Officer Recommendation: Refuse

The proposed dormer, by virtue of its scale, design and prominent location, would form an incongruous and dominant feature which would be harmful to the character and appearance of the host property, terrace row, wider street scene and the setting of the nearby Birkby Conservation Area. To permit the front dormer, which does not promote good design, would be contrary to Policies LP24a and LP35 of the Kirklees Local Plan, Key Design Principles 1 and 2 and section 5.26 of the adopted House Extensions and Alterations Supplementary Planning Document and the aims of Chapters 12 and 16 of the National Planning Policy Framework.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location plan	2114-LOC	-	22nd February 2022

Existing elevations and floor plan	2114-01	-	22nd February 2022
Proposed elevations and floor plan	2114-02	-	22nd February 2022

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 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. In this instance, no amendments have been sought, as the development is unacceptable and, given the single aspect nature of the dwelling, no amendments would overcome the harm caused.

Report Dated: 19th April 2022