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:	**2022/62/91042/E**
Site Address:	120, Staincliffe Road, Westborough, Dewsbury, WF13 4RP
Description:	Erection of pitched roof to replace existing flat roof
Recommending Officer:	Katie Wilson

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.

Emma Thompson

AUTHORISED OFFICER

Date: 9th August 2022

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Officer Report – 2022/91042

Site Description

The application site is 120, Staincliffe Road, Dewsbury. It is a 2-storey detached building thought to date from the 1960's. It is erected on sloping ground with understorey at the back accessed from side road. The walls are a dark brown /red coloured brickwork and it has a flat roof. It is in mixed use, part commercial, part flat.

It is located at the corner of Staincliffe Road and Green Lane, with short access road at the back. The wider area is predominantly residential in nature and a mixture of semi-detached bungalows and 2-storey terraced and semi-detached houses.

Description of Proposal

Planning permission is sought to replace existing flat roof with pitched roof.

- The new roof would be pitched to all sides and cover the entire flat roof. The ridge level would be parallel with eave, but the angle of pitch would be slightly different at the sides. It would be surfaced in plain tiles, dark brown in colour.
- The distance between eaves and ridge height would be approximately 2.5m.

History of negotiations/amendments received

Relevant Planning History

2004/90600 – Change of use of shop to hot food takeaway. Refused

Representations

Final publicity date Expires:13th May 2022. No representations received

Parish/Town Council comments – Not applicable.

Consultation Responses

No consultations carried out during assessment 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.

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway Safety and Access
- **LP 22** - Parking
- **LP 24** – Design

Kirklees Council has adopted supplementary planning guidance on house extensions which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

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-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change.
- Chapter 15 – Conservation and enhancement of the natural environment

Assessment

<u>1 – Principle of development</u>:

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. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

In this case, the principle of extending and altering the existing building is considered acceptable and shall be assessed against other material planning considerations below.

2 –Impact on visual amenity:

Chapter 12 of the NPPF sets out that decisions should ensure that, amongst other things, developments are sympathetic to local character, including the surrounding built environment (para.127 of the NPPF). Policy LP24 of the KLP expands on this further, setting out that good design should be at the core of all proposals in the district. Regarding extensions, it states under part c, that proposals should promote good design by ensuring '*extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details*'.

In this instance, although the new roof would increase the height of the existing building, the ridge level is relatively modest and it is designed with pitches to all sides. As such it is considered that overall, the proposed roof would be subservient to the original building.

Most other buildings nearby have pitched roofs surfaced in grey, brown or red coloured tiles, and therefore the proposed pitched roof covered in dark brown coloured tiles is considered to be in keeping with the street-scene and character of the surrounding area. It is also considered that it would improve the appearance of the existing building.

In summary, it is considered that the proposal would promote good design and is compliant with policy LP24 of the Kirklees local plan.

3 – Impact on residential amenity:

Policy LP24, part c, goes on to stipulate that extensions should *minimise the impact on residential amenity of future and neighbouring occupiers*.

Regarding privacy, no openings are proposed in the roof slopes and so there would be no overlooking impact to neighbouring property.

In terms of overshadowing and overbearing, the main impact would be to the occupants of the neighbouring house at 12, Green Lane, particularly the back garden. This semi-detached house is 2-storeys at the front and three storeys at the back. It was constructed more recently than the building at the application site, with side gable end and rear garden in close proximity to the rear elevation of 120, Staincliffe Road, so the existing overbearing and overshadowing impacts have always been present at this neighbouring property.

In officers' opinion whilst the proposed roof may have some potential to increase this impact, it would be relatively limited over and above that of the existing building at the application site. This is because both buildings have

similar eaves level and the proposed roof would be pitched to all sides, with ridge height comparable to that at 12, Green Lane.

Other neighbouring buildings are further away and it is considered that they would not be affected by the proposed development.

As such it is considered that the proposal would comply with policy LP24, part c of the Kirklees Local Plan.

4 – Impact on highway safety:

In this instance the proposed development would not affect the existing parking arrangements at the site, nor would it amount to an intensification of the existing use requiring additional parking provision.

As such it is considered that it would not cause harm to highway safety and is compliant with policies Lp21 and LP22 of the KLP.

5 – Other matters:

Carbon Budget

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 development to an existing building. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards

6 – Representations:

No representations received during assessment of the proposal.

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 - Approval

Decision Authorisation - Delegated Powers
Application Number: 2022/91042
Officer Recommendation: Approval

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 roofing tiles of the roof extension hereby approved shall be dark brown or grey in colour to blend in with those used in the construction of the neighbouring building and thereafter retained.
Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan.

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 13.00hours, 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 can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location plan	Job no. 22-5028		24.03.2022
Plans and side elevations as existing and as proposed	Job no. 22-5028		

Plan Type	Reference	Version	Date Received
Front and rear elevations as existing and as proposed	Job no. 22-5028	Rev A	24.03.2022

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 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 application was acceptable as submitted.

Report Dated: 05.08.2022