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:	**2022/62/91490/E**
Site Address:	13, Moorside Rise, Moorbottom, Cleckheaton, BD19 6AA
Description:	Erection of rear dormer extension and hip to gable roof, installation of double glazed rear dormer windows and exterior alterations
Recommending Officer:	Jennifer Booth

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 12-Jan-2023

Officer Report

Site Description

The application site consists of a detached bungalow in the settlement of Cleckheaton. Levels rise northwards along the public highway although the plot is relatively consistent in levels owing to a sloping driveway. The house has been extended previously by way of a hip to gable at the south facing side elevation although there is no planning history for this. Surrounding development consists mainly of true bungalows and dormer bungalows although there is a terrace of houses to the south west.



Description of Proposal

This is a householder application for a hip to gable extension at the north facing side elevation roof slope and approx. 9m width rear dormer – set in from each side, to serve expanded first floor accommodation.

History of negotiations/amendments received

Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 encourages negotiation/engagement between Local Planning Authorities and agents/applicants. The initial plans raised concerns regarding the width of the rear dormer together with a lack of clarity on the materials proposed. The agent has supplied amended plans reducing the width of the dormer and

confirming that the dormer would be clad with vertically hung tiles. As the alteration reduced the scheme, the amendments have not been advertised.

Relevant Planning History

None

Representations

This application was originally publicised by neighbour letters, press advert and site notice which expired on 20-Jun-2022. Following this publicity no letters of representation were received.

Consultation Responses

N/A

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 in the Kirklees Local Plan.

Kirklees Local Plan (KLP):

- **LP 01** – Achieving sustainable development
- **LP 02** – Place shaping
- **LP 21** – Highway safety and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 51** – Protection and improvement of local air quality
- **LP 52** – Protection and improvement of environmental quality

Kirklees House Extensions and Alterations SPD (2021)
Kirklees Council has adopted supplementary planning guidance on new housing development 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). As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to new housing development.

Highway Design Guide SPD (2019)
Kirklees Council has adopted supplementary planning guidance on highway design which carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding highway design and

layout, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework.

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 2 – Achieving sustainable development
- Chapter 6 – Building a strong competitive economy
- Chapter 8 – Promoting healthy and safe communities
- Chapter 11 – Making effective use of land
- 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
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters
6) Representations
7) Conclusion/Planning Balance

1 – Principle of development:

Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is the focus of policy LP1 of the Kirklees Local Plan (KLP). This policy stipulates that proposals that accord with policies in the KLP will be approved without delay, unless material considerations indicate otherwise. Policy LP24 of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development in the surrounding area as well as to protect the amenity of the future and neighbouring occupiers, to promote highway safety and sustainability. These considerations, along with others, are addressed in the following sections in this report.

The site is unallocated in the Kirklees Local Plan. The application site is located within a settlement boundary and development such as this is generally considered acceptable subject to the satisfactory taking into account of material considerations.

2 –Impact on visual amenity and character of the area:

Policy LP24 of the Kirklees Local Plan, consistent with chapter 12 of the NPPF, states, inter alia, that the form, scale, layout and details of all development respects and enhances the character of the townscape.

The Kirklees House Extensions and Alterations Supplementary Planning Document (SPD) states that dormer extensions should:

- relate to the appearance of the house and existing roof; *would comply*
- be designed in style and materials similar to the appearance of the existing house and roof; *would comply*
- not dominate the roof or project above the ridge of the house; *would comply*
- be set below the ridgeline of the existing roof and within the roof plane; *would comply* and
- be aligned with existing dormer windows on neighbouring properties in the same roof plane where relevant. *Would not comply*

It is acknowledged that the combined effect of the hip to gable and rear dormer would be that of a significant increase in massing and alteration to the form of the host dwelling. However the existence of the extension and gable at the south facing elevation of the property would mean that the creation of a gable at the north facing elevation would not appear out of keeping with the host dwelling and would not read as incongruous.

The SPD has a 'comply or justify' principle. Although the dormer would be greater in width than any neighbouring dormer, the existence of the gable end at the south facing side elevation as existing would mean that the dormer would be able to be accommodated without any significant overall change to the profile of the roof. As a rear dormer it would not be visible from vantage points at the public realm on Moorside Rise. To the west there is open land so the rear dormer would not be perceived at close quarters by any neighbouring property. Furthermore, the agent has supplied amended plans reducing the width by setting the dormer in 0.5m from each side. Therefore the SPD can be said to be complied with, with justification for infringements.

Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes. The proposed extension would not negatively impact on the character of the area. The proposed materials palette would be to match and the form would be broadly in keeping with that of the host building and houses on this estate.

The development therefore would, on balance, be acceptable in terms of general visual amenity and would accord with policy LP24 of the KLP and chapter 12 of the NPPF. This is without prejudice to an assessment of residential amenity under LP24c made below.

<u>3 – Impact on residential amenity:</u>

Policy LP24c of the Kirklees Local Plan require of developments, inter alia, a good standard of amenity for future occupants and neighbouring occupiers, as well as a minimising of the impact on residential amenity of future and neighbouring occupiers.

Paragraph 4.17 of the Kirklees House Extensions and Alterations Supplementary Planning Document (SPD) states that when assessing the impact of overshadowing on neighbouring properties, the council will, as a starting point, have regard to the 45° guidelines. A line will be drawn from the midpoint in the nearest habitable room window of the adjacent property, at an angle of 45°, across the proposed extension. The extent to which the line infringes upon the proposed extension will indicate the levels of light that may be lost to the neighbouring property. In appropriate circumstances, where local context supports this, larger guidelines may be considered on a case-by-case basis.

The extension would not breach any line of 45 degree from neighbouring windows and would be contained broadly within the envelope of the existing building. There would be no opposite facing habitable room windows or amenity spaces within 21m of any neighbouring amenity spaces or habitable room windows.

All told therefore policy LP24 in terms of residential amenity would be complied with.

4 – Impact on highway safety:

This application seeks approval for a roofspace and rear dormer extension which would entail an additional bedroom. The property would retain 1no. internal parking space and space for 2no. vehicles off road within the front of the plot. The access to the site would not be altered. The development therefore is considered to be acceptable in terms of highway safety and parking and consistent with policies LP21 and LP22 of the KLP.

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.

The proposal is for a householder extension which on balance is small scale enough to render further conditions attendant to the climate change agenda unnecessary in this instance, bearing in mind the six tests for planning conditions set out in National Planning Practice Guidance (NPPG).

6 – Representations:

None received.

7 – Conclusion/Planning Balance:

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: 2022/91490
Officer Recommendation: Approve
Conditions and Reasons

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.
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 with Policies LP 21, LP22 and LP24 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

Plans Specification

Plan Type	Reference	Version	Date Received
Location Plan			03/MAY/2022
Proposed Elevations and Floor Plans	22-052-001	B	06/JAN/2023

Proposed Site Plan	22-052-001	A	03/MAY/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 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. The initial plans raised concerns regarding the width of the rear dormer together with a lack of clarity on the materials proposed. The agent has supplied amended plans reducing the width of the dormer and confirming that the dormer would be clad with vertically hung tiles. As the alteration reduced the scheme, the amendments have not been advertised.