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:	**2022/62/91775/W**
Site Address:	15, Netheroyd Hill Road, Fixby, Huddersfield, HD2 2LW
Description:	Erection of rear dormer and rear raised patio and external alterations
Recommending Officer:	Lucy Taylor

DECISION – CONDITIONAL FULL PERMISSION

I hereby authorise the approval/refusal* (delete as appropriate) of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

John Holmes

AUTHORISED OFFICER

Date: 08-Aug-2022

Officer Report.

Reference: 2022/91775

Location: 15, Netheroyd Hill Road, Fixby, Huddersfield, HD2 2LW

Proposal: Erection of rear dormer and rear raised patio with external alterations

Site Description.

15 Netheroyd Hill Road is a two-storey semi-detached property located in Fixby, Huddersfield. The property is faced in pebble dash render and has a gable roofing form infilled with concrete tiles. Within the wider curtilage of the site, the property benefits from garden amenity space to the front and rear elevation.

Within the wider streetscene, there is a mixed sense of similarity established. Although the front elevations of the properties along Netheroyd Hill Road share the same style of construction, single storey in height, there is a mix of exterior construction materials and architectural designs.

The application site is not specifically allocated in the Kirklees Local Plan.

Description of Proposal.

Planning permission is sought for the erection of a rear dormer and a rear raised patio.

Rear Dormer:

2.4m (height) x 2.7m (depth) x 9.95m (length) = 25.92m^3

The rear dormer will be set up from the eaves height of the host dwelling by 0.5 metres and set down from the dominant roof pitch by 0.4 metres.

The dormer will be faced in horizontal cladding and will have a flat roof.

Two regular windows will be installed within the dormer, these will be framed in UPVC to match the existing forms of fenestration on the host dwelling.

A set of glazed doors will also be installed, framed in UPVC with a Juliet style balcony.

The front and sides of the dormer are intended to be finished in materials to match the existing roof.

Raised Rear Patio:

The patio will be raised 0.85 metres from the maximum land height to the rear of the property, with a length of 7.1 metres. The patio will project 1.8 metres from the rear elevation of the host property.

The patio will be in the form of a platform with three supporting beams underneath.

A privacy screen will be erected to the eastern side elevation of the patio, at a height of 2 metres.

Existing fenestration to the rear of the property will be altered in conjunction with the proposed raised patio. Following development, a regular access door, regular window and set of glazed bi-folding doors will be installed to the rear elevation of the property in place of existing fenestration. All of the new windows and doors will be constructed from matching UPVC.

History of Negotiations.

No negotiations took place, and no amended plans were sought or submitted.

Relevant Planning History.

No relevant planning history on site.

To neighbouring properties:

- **2021/92917** – 21 Netheroyd Hill Road - Raising of roof height to form rooms in roof space, alterations to existing porch, erection of dormer windows to sides, Juliet balcony to rear and associated alterations – *Granted Conditional Full Permission September 2021.*

Representations.

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters which expired on 13 July 2022 – no representations were received.

Consultation Responses.

No consultations were deemed necessary.

Policy/Legislation.

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 application site is not specifically allocated within the Kirklees Local Plan; however, the site falls in an area with a known presence of bats and within an area identified by the Coal Authority as being at low risk of ground movement as a result of former mining activity.

Kirklees Local Plan:

• LP1 – Achieving Sustainable Development
• LP2 – Place Shaping
• LP21 – Highway Safety
• LP22 – Parking Provision
• LP24 – Design
• LP51 – Protection and improvement of local air quality

Supplementary Planning Documents:

Highways Design Guide SPD (2019)

House Extensions and Alterations SPD

The Kirklees House Extension and Alterations SPD, adopted on 29 June 2021, has been prepared to help householders, developers, agents and architects who are planning and designing an extension or alterations (householder development) to an existing residential property, including conservatories and outbuildings, such as garages. It provides detailed guidance regarding the standard of development that will help achieve a well-designed house extension or alteration required by the Council.

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, together with Circulars, Parliamentary 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 4 – Decision-making
• 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

Assessment.

The following matters that will be considered as part of the assessment of the proposal are set below. These considerations will be looked at in detail individually:

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

Chapter 2 of the NPPF states that: *"Planning policies and decisions should play an active role in guiding development towards sustainable solutions…"*

Chapter 2 of the NPPF goes onto further state that objectives should: *"support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment…"*

In line with the NPPF, Policy LP1 of the Kirklees Local Plan (KLP) declares that: *"…the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF."*

Policy LP1 goes further and states: *"The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area."*

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. 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 instance, it can be stated that the principle of development in this application could be acceptable, subject to the assessment of impacts on visual and residential amenity, as well as highway safety and any other impacts that may arise. These will be discussed below.

2. Impact on Visual Amenity

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) whereby paragraph 126 provides a principal consideration concerning design which states: *"The creation of high-quality buildings and places is 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."*

Paragraph 130 of the NPPF is of relevance, in particular the following parts:-
- *'b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping'*
- *'c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'*

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

- 'a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape…'
- 'c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...'

Key Design Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality.

The Council's House Extensions and Alterations SPD further states that dormers should:

- Relate to the appearance of the house and existing roof;
- Be designed in style and materials similar to the appearance of the existing house and roof;
- Not dominate the roof or project above the ridge of the house;
- Be set below the ridgeline of the existing roof within the roof plane; and
- Be aligned with existing dormer windows on neighbouring properties in the same roof plane where relevant.

The proposal is considered to appropriately comply with the design criterion of the SPD as set out above.

The proposed dormer will be installed to the rear of the existing gable roof, resulting in a subservient appearance within the wider streetscene of Netheroyd Hill Road. In addition as a result of being set down from the maximum roof pitch, set up from the gable eaves height and designed with a flat roof, the proposal is not considered to result in bulking/massing which would be out of character. In turn, the cumulative design and site of erection for the proposed dormer are considered to be acceptable from a visual amenity perspective.

The proposed dormer will be faced in horizontal cladding, this will match the appearance of the host roof with regard to colour finish. This further promotes a subservient design to the dormer, harmonising with the existing appearance of the dominant dwellinghouse.

Within the wider locality of the site, dormers have been established, including to the rear of 25 Netheroyd Hill Road, 13 Netheroyd Hill Road and 9 Netheroyd Hill Road, with permission also granted for dormers to the side of No. 21 Netheroyd Hill Road. In turn, the erection of this proposed dormer will not disrupt the existing character of the streetscene from a visual amenity perspective. In addition, given the location of the dormer to the rear of the host dwelling, it will not be directly visible from the fronting high way of Netheroyd Hill Road.

The proposed raised patio is of a simple design, made up of a platform structure supported by three beams. In turn, the design of the proposed raised platform means that it would not be obtrusive to the rear of 15 Netheroyd Hill Road. The size/scale of the proposed patio is considered to be of a subservient design, with a projection of 1.8 metres and raised only 0.85 from the maximum land height.

A privacy screen is proposed to the eastern side elevation of the platform, this is welcomed from a residential amenity perspective.

The proposed alterations to fenestration detailing on the rear elevation of the host dwelling are considered acceptable from a visual amenity perspective, in keeping with the architectural design of the host dwelling whilst further enhancing the contemporary design of the property through the use of glazed sliding doors. Key Design Principle 2 of the Council's House Extensions and Alterations SPD states: *'the council will support innovative and modern design approaches which are of a high-quality and appropriate to the local context'.* Several other properties within the streetscene have similar fenestration to the rear elevation, including two glazed bi-folding doors to the rear of adjoining property 17 Netheroyd Hill Road.

For all of the reasons outlined above, it is considered that the proposal would not cause detrimental harm to the visual amenities of the locality. The proposed development is considered to comply with Chapter 12 of the National Planning Policy Framework, Policy LP24 of the Kirklees Local Plan and Key Design Principles 1 & 2 of the House Extension and Alterations SPD.

3. Impact on Residential Amenity

Section B and C of LP24 states that alterations to existing buildings should: *"…maintain appropriate distances between buildings"* and *"…minimise impact on residential amenity of future and neighbouring occupiers."*

Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon the privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive/overbearing.

The proposal would see the retention of the same extent of functional amenity space at 15 Netheroyd Hill Road, in turn, appropriately complying with the requirements of Key Design Principle 7 of the House Extensions and Alterations SPD.

It is considered that the properties most likely to be affected by the proposed development are those which directly neighbour the site, these being 13 Netheroyd Hill Road and 17 Netheroyd Hill Road, as well as No 29 Netherwood Close located to the rear of the site.

13 Netheroyd Hill Road – this property is located to the east of the application site.

Given the extent of seperation between these two neighbouring properties, approx. 4.3 metres, the proposed rear dormer to 15 Netheroyd Hill Road will not result in significant impacts of overbearing or overshadowing for the occupiers of this neighbouring property. Although it has been acknowledged that roof lights are installed to the roof of No.13, sunlight calculator software has been used to confirm that potential overshadowing from the rear dormer is limited to only the hours of 7:00-9:15 in the summer, with no increased potential in the winter.
Given that no glazing is proposed to the side elevations of the dormer, it poses no increased potential of overlooking. Therefore, appropriate levels of residential privacy will be retained.

The principle of the proposed raised platform, as well as its design, works to ensure no significant impacts of overbearing or overshadowing are caused for the occupiers of No. 13 Netheroyd Hill Road. In addition, the proposed location of a 2m high privacy screen works to retain appropriate levels of residential privacy, a condition to ensure its installation / retention is therefore recommended.

17 Netheroyd Hill Road – this property adjoins the application site to the west.

The proposed rear dormer will generate an increase in bulk and massing on the roof of the application site however, although roof lights are installed to No. 17 Netheroyd Hill Road, sunlight calculator software has been used to confirm that no significant impacts from overshaodiwng would be caused for the occupiers of this neighbouring property. Any potential overshadowing from the proposed dormer will be limited to before 8:30am in the summer, with no potential overshadowing in the winter.

Given that no glazing is proposed to the side elevations of the dormer, it poses no increased potential of overlooking. Therefore, appropriate levels of residential privacy will be retained.

The proposed raised platform is to be set behind an extended rear projection at No. 15 and 17, meaning that it will not result in detrimental impacts of overbearing or overshadowing or create any significant increase in overlooking.

The proposal is considered to be of a design / scale which would not lead to unacceptably oppressive / overbearing impact upon this property.

29 Netherwood Close – this property is located to the rear of the application site.

This property is set over 40 metres from the proposed sites of development at 15 Netheroyd Hill Road. Therefore, this significant extent of separation distance, in conjunction with the principles of development proposed, means that no detrimental levels of overbearing or overshadowing will be caused for the occupiers of this neighbouring property and appropriate levels of residential privacy will be retained.

It should also be noted that the side elevation of No. 29 Netherwood Close is adjacent to the rear elevation of the application site, with no glazing present. This further emphasises that the developments will not result in detriment to residential privacy.

For these reasons, the proposed development at 15 Netheroyd Hill Road is not considered to cause undue harm to the residential amenities of neighbouring properties. It is therefore considered that the proposed development complies with Chapter 12 of the NPPF, Policy LP24 of the Kirklees Local Plan and Key Design Principles 3, 4, 5, 6 and 7 of the Council's adopted House Extensions and Alterations SPD.

4. Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

The proposed developments to 15 Netheroyd Hill Road will not alter the existing parking arrangements at the property, which is off site parking on the fronting highway of Netheroyd Hill Road. Although the development of a dormer has the potential to increase the domestic use of the property, by increasing the number of bedrooms, sufficient on-street parking is considered to be available. In addition, the proposed plans show only two bedrooms proposed within the interior of the dwellinghouse following development.

In turn, erecting the proposed rear extension at 38 Meadowcroft would appropriately accord with Chapter 9 of the NPPF, LP21 and LP22 of the Kirklees Local Plan and Key Design Principle 15 of the House Extension SPD.

5. Other Matters

Climate Change

Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

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.

Considering the small-scale of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the NPPF and Policy LP51 of the Kirklees Local Plan.

Bats

Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

The application site lies within the bat alert layer on the Council's GIS system. The proposal would see works to the roof which has the potential for roosting bats to be present. Given the age / design of the property it is not considered necessary for a full assessment of the roof space to be undertaken in this case given the low likelihood for roosting bats to be present.

Even so, as a cautionary measure, in the event of any grant of permission a note would be added to the decision notice, stating that if bats are found development shall cease and the advice of a licensed bat worked sought. This is to accord with the aims of Chapter 15 of the NPPF.

6. Representations

No representations were 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 would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approve
Decision Authorisation – Delegated Powers
Application Number: 2022/91775
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 so as to ensure the satisfactory appearance of the development on completion, and to accord Policies LP1, LP2, LP21, LP22, LP24 & LP51 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8 & 15 of the Council's adopted House Extensions and Alterations SPD and policies within Chapters 2, 4, 9, 12, 14 & 15 of the NPPF.

3. The front and sides of the dormer shall be of a colour finish to match that of the existing roof and shall be retained thereafter.
   Reason: In the interests of visual amenity to accord with policy LP24 of the Kirklees Local Plan, principles 1 and 2 of the adopted SPD on House Extensions and Alterations and Policies within Chapter 12 of the National Planning Policy Framework.

4. The balcony to rear hereby approved shall not be brought into use until a 2m high privacy screen has been erected to the easternmost point of the balcony. The 2m high privacy screen shall be either solid screening or obscure glazing minimum grade 4. The privacy screen shall be thereafter retained.
   Reason: In the interests of the amenity of the occupiers of neighbouring properties to accord with policy LP24 of the Kirklees Local Plan, Principle 3 of the adopted SPD on House Extensions and Alterations and Policies within Chapter 12 of the National Planning Policy Framework.

NOTE: The application site is located in a low risk coal area.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and Specifications Schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	-	-	30.5.22
Existing Plans	22/74	-	30.5.22
Proposed Plans	22/74	-	30.5.22
Proposed Site / Block Layout	22/74	-	30.5.22

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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. No negotiations took place, and no amended plans were sought or submitted.

Report Dated: 8.8.22