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:	**2022/62/93222/E**
Site Address:	17, Brewery Lane, Thornhill Lees, Dewsbury, WF12 9DZ
Description:	Erection of front dormer window
Recommending Officer:	Edward Cheseldine

DECISION – FULL CONDITIONAL 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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 09-Dec-2022

OFFICER REPORT

Site Description

17 Brewery Lane is a two-storey, terrace house in Dewsbury. Materials of the walls of the property are built with sandstone, which are accompanied by sandstone cills and lintels. The roof is tiled with blue slate. The dwelling has a chimney breast which is positioned to the side of the shared roof. The property is a traditional terrace with minimal front private space that is enclosed by a low wall and iron railing. The rear garden space is of a substantial size which runs parallel to the neighbour's gardens. There are no designated car parking spaces that are allocated to the property.

There have been minimal alterations to other properties on the street, including the terrace houses prior, to this current application. There are several dormers on the street terraces, which range in size and design, however there are none on the row of terraces of the property in question. Other extensions are of a modest nature and are solely to the rear ground floors.

There is a training and education centre opposite 17 Brewery Lane, which has a spacious car park, as well as commercial units. These buildings have kept their appearance in keeping with the rest of the street, again having limited alterations and extensions, in keeping with the sandstone materials.

Brewery Lane is a residential street situated between the Calder and Hebble Navigation and the Ravensthorpe rail line. The street is characterised by the residential nature of the road due to the two-storey sandstone terraces. Local commercial buildings are also present within the street, as shops form the corner ends of the terrace rows. The wider area is spacious, with pockets of green spaces intertwined with housing.

Proposal Description

The application is seeking planning permission to erect a front facing dormer, with a gable end roof, with the walls and new roof clad in blue slate roof tiles.

The dormer would project 3.5m from the existing roof and would extend across in width 2.5m. The dormer would reach 2.0m at the maximum height. The dormer would be pitched 0.30m below the ridgeline and 0.6m back from eaves of the roof. Double windows are to be installed in the dormer.

Materials for the dormer extension are to be in line with the existing materials of the dwelling. Matching blue slate roof tiles are to be used, with tiles hanging on the walls of the dormer. Upvc window frames are to be installed to match the windows of the dwelling.

Relevant Planning History

There are no other planning applications for this dwelling.

Representations

The application was advertised by neighbour letters, which expired on 17/11/2022

As a result of the above publicity, no representations have been received.

Consultation Responses

No consultation has been required.

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 Proposals Map.

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.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 24** - Design
- **LP 35** - Historic Environment

Kirklees Council adopted supplementary planning guidance on house extensions on 29th June 2021 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, and 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 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Assessment

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 Extension 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.

Impact on visual amenity:

The street is characterised by sandstone built, two-storey terrace type properties. Properties on the street are of a similar age, design and appearance to 17 Brewery Lane. Despite the terrace properties, the street scene has an open appearance as views of the surrounding hills can be seen from the pedestrian path. Properties have been relatively unmodified.

Key Design Principle 1 of the House Extension & Alteration supplementary planning document (HEASPD) does state 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. Furthermore, Key Design Principle 2 of the HEASPD goes onto state 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 details.

The proposal under consideration consists of three distinct elements which shall be addressed below.

Scale – the scale of the dormer is large in comparison to the existing roof, coupled with the proposed width and projection. However, the dormer is proposed to be a source of light for a bedroom, as marked on the floor plans. Although the dormer is large in appearance and will be highly visible from the street scene, the scale is deemed appropriate due to mitigating design factors, such as the dormer being set below the roof ridgeline and being set back from the eaves of the dwelling as well as the width of the dormer, in comparison to the existing roof. It is therefore deemed that the scale is, on balance, acceptable.

Details – the details within the design features are complementary to the existing streetscape as a pitch roof style is being constructed. Pitch style roofs can be found on existing dormers on the street and the style is preferable over other roof types.

Materials – the materials of the dormer are proposed to match the existing materials of the dwelling which is a positive choice given the historic nature of the terraces. Roof tiles are to be attached to the walls of the dormer which will blend the alteration with the terrace roof to great effect. Upvc window frames will match the existing dwelling.

Having taken the above into account, the proposed extension would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extension would form a subservient addition to the property in keeping with the existing building, KDP 1 & 2 of the House Extension and Alterations Supplementary Design Guide and the aims of chapter 12 of the National Planning Policy Framework.

Impact on residential amenity:

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The EASPD goes into further detail with respect to outlining principles.

Key Design Principle 3 of the EASPD states, '*extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours'*.

The dormer is to be the principal elevation of the terrace property, which will face onto the street, producing a new vista. Although the design of the dormer will create an alteration to outlook, given there is an existing view from the first-floor and the existing terraces mirrors the design of the adjoining terrace

row, it is thought there would be no significant impact on residential amenity. In terms of adjoining properties, as the dormer does not extend beyond the property line, the distance of existing outlooks will be maintained.

In terms of the relationship with other neighbours, the adjoining terraces at 11 & 15 Brewery Lane will be impacted due to the roof alteration. There are no other neighbours where privacy will be affected as there is a car park and commercial buildings to the other side of the street.

Impact on

The neighbours to the side:

With regards to the impact on the 11 & 15 Brewery Lane, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 130 of the NPPF and the proposals are considered to be acceptable. The design of the dormer, in consideration of the existing roof provides an acceptable level of unaltered roof space. A distance of 1.3m and 1.1m has been left from the dormer wall to the property boundary. As such an appropriate space has been left to mitigate an overbearing impact.

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key Design Principles 3, 5, 6 & 7 of the Extensions & Alterations SPD and Paragraph 130 (f) of the National Planning Policy Framework.

<u>Impact on highway safety</u>:

The proposals will result in some intensification of the domestic use adding an additional bedroom, turning the dwelling into a four-bedroom house. This would potentially cause an increase in domestic use, although it would intensify the domestic use at the dwelling, it would not affect the current parking arrangements on site. The street is also a residential street with no on street parking restrictions.

The parking to the front of the property would not be affected by the proposed extension and it is considered to present a sufficient provision. Bin storage for the dwelling is to the rear of the house and would not be moved as part of the proposal. As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extension SPD.

<u>Other matters:</u>

Biodiversity

The development is for a dormer to be installed on the roof at the front of the property. Whilst the property is located in an area which is known to include bat habitats, the proposal does not affect the eaves of the house, it is considered unlikely to have an impact on the bat populations.

After a visual assessment of the building by the officer, it appears that the building is in good order, well-sealed and unlikely to have any significant bat roost potential. Even so, a cautionary note should be added that if bats are found during the development, then work must cease immediately and the advice of a licensed bat worker sought.

Carbon Budget

The proposal is a small scale domestic development to an existing dwelling. 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.

There are no other matters for consideration.

Representations:

None

Negotiations:

Negotiations over the proposed development have led to a new relationship between the proposed front dormer and existing roof. Amended plans were submitted on the 24/11/2022, that removed the dormer from the ridgeline of the existing roof and reduced the projection of the dormer to be further off the eaves of the property. This will protect the street scene, making the dormer more appealing and comply with the Kirklees House Extensions & Alterations SPD guidelines.

Proposed conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions.

Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.

Matching materials to ensure that the extensions harmonise with the host property as using alternative materials would look out of place within the street scene.

Conclusion:

This application to erect a front facing dormer, with a gable end roof, clad in blue slate roof tiles at 17 Brewery Lane has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions & Alterations SPD, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed extension is considered to be acceptable.

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 would constitute sustainable development and is therefore recommended for approval.

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 to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

3. The external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building.
   Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extension SPD and the aims of chapter 12 of the National Planning Policy Framework.

NOTE: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally 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 bats are present or not. If bats are discovered on site, development shall cease, and the applicant is advised

to contact Natural England for advice.

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.

Plan Type	Reference	Web ID	Date Received
Proposed Site / Block Layout	-	955516	07/10/2022
Grouped Plan and Elevations	-	955517	07/10/2022
Grouped Plans and Elevation	-	959647	27/10/2022

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 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. Revised plans were submitted on 27/10/2022, these plans were deemed as acceptable.