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:	**2023/62/90235/W**
Site Address:	22, Sunnybank Road, Edgerton, Huddersfield, HD3 3DE
Description:	Raising roof height to create second floor with rear dormer and external alterations to include front parking, alterations to boundary wall and installation of electric gate [within a Conservation Area]
Recommending Officer:	Tom Hunt

DECISION - REFUSED

I hereby authorise the refusal 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: 09-May-2023

Officer Report

Site Description

2023/90235 – 22, Sunnybank Road, Edgerton, Huddersfield, HD3 3DE

22 Sunnybank Road is a detached, two storey dwelling located within Edgerton Conservation Area. The property is constructed from facing brick and has a clay tiled hipped roof with two part width front gable features (one being a minor extension in form), a flat roofed front dormer extension in-between and white uPVC fenestration and doors. There is a driveway to the side which leads to a single-storey detached garage beyond the rear elevation of the property. The front amenity space is partially hard surfaced with tarmac, soft landscaping , with a boundary stone wall and a metal double gated entrance with some green hedging. Garden areas are to the rear with the garden tiered downwards falling from southwest to northeast.

The streetscene has varied styles of architecture comprising of bungalow and two-storey substantial detached/semi-detached dwellinghouses, harmonised through predominant use of stone to dwellings and boundary walls with hedging. The front amenity spaces are handsomely landscaped with substantial trees contributing to a pleasant and verdant street. The host property sits within a setting of four relatively recent new build dwellings with the immediate adjacent properties having singular gable end front features added and side gable roof first floor extensions added over time. The property to the northwest is of traditional stone built construction with red tiled roof and appears more dominant to the host aided by its scale, higher roof ridge and its elevated position on the road which falls from northwest to southeast; the more recent builds appear visually smaller in scale due to their design and lower position on the road.

Description of Proposal

Raising roof height to create second floor with rear dormer and external alterations to include front parking, alterations to boundary wall and installation of electric gate [within a Conservation Area]

All figures are in metres and approximate.

Permission is sought for an increase in ridge height by 0.85m and depth increased by 1.9m to convert the roof from hipped to side gable. The volume of the roof would be increased from 4.32m3 to 19.06m3. Clay tiles will be used to match the existing.

A rear dormer be centrally located with a pitch roof design close to the new ridge projecting by 1.25m from the revised roof plane, 1.35m width and height of 1m. This would have clay tiles to match the existing with grey membrane to cheeks and face.

Further alterations to the primary roof elevation would have a non-central skylight close to the ridge. To the rear, there would be one balcony type rooflights and one skylight to each side of the dormer appearing of symmetrical design.

Fenestration would have new glazing styles with reduced framing to appear more permeable whilst retaining the size of its openings.

Officer Note: Proposed rear roof elevation plans do not appear to visually set out how wide the balcony areas would be to the rooflights but the floor plan indicates they are to be 0.8m wide narrower than the windows with a depth of 0.6m.

The roof alteration would add a second floor to the existing two floors. This would accommodate two bedrooms and a shared bathroom. The property would then be a 6 bed property.

Two more parking spaces would be created within the existing landscaped front amenity space with a vehicle turning area in tarmac. To the existing stone boundary wall, this would have a pedestrian gate and double gate for vehicles with three new gate pillars ~1.6m in height. The pedestrian gate is inwards opening and the vehicle gates would be electric sliding ones. The hedging is shown to remain.

History of negotiations/amendments received

No negotiations have taken place as it was considered that any amendment would be significant and there would not be a design solution that would provide the applicants with the level of accommodation applied for.

The agent was informed by email that the application could not be supported, no response received.

Relevant Planning History

2011/90332 – Erection of single garage (within a Conservation Area). Conditional Full Permission.

2014/92862 – Extension to roof and erection of single storey side extension (within a Conservation Area). Conditional Full Permission.

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 07/04/2023.

In relation to the Conservation Area setting, this was advertised via Site Notice expiring 06/04/2023 and Press expiring 08/04/2023

One Supportive representation have been received. It stated that it would visually improve the front of the property, enhance access to the property and poses no detrimental to the area.

Consultation Responses

No technical consultees 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 in Edgerton Conservation Area on the Kirklees Local Plan.

Kirklees Local Plan (LP):

- **LP 1 – Presumption in favour of sustainable development**
- **LP 2 – Place shaping**
- **LP 21 – Highways and access**
- **LP 22 – Parking**
- **LP 24 – Design**
- **LP 30 – Biodiversity & Geodiversity**
- **LP 35 – Historic environment**

Supplementary Planning Guidance

- Highways Design Guide SPD
- House Extensions and Alterations SPD
- Waste Management Design Guide for New Developments (Oct 2020, v.5)
- Edgerton Conservation Area Appraisal

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 4 – Decision-making
- 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

The following matters are considered in the assessment below –

1) Principle of development
2) Impact on heritage amenity
3) Impact on visual amenity
4) Impact on residential amenity
5) Impact on highway safety
6) Other matters
7) Representations
8) Conclusion

1 – Principle of development:

Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is enshrined in policy LP1 of the Kirklees Local Plan. This policy stipulates those proposals that accord with policies in the Kirklees Local Plan will be approved without delay unless material considerations indicate otherwise.

Policy LP 24 requires that the form, scale, layout and details of all development *"respects and enhances the character of the townscape, heritage assets and landscape…"*

The site is designated within Edgerton Conservation Area. Policy LP35 requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to ensure that the proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets.

In Chapter 16 of the NPPF, Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, in this case the Edgerton Conservation Area, great weight should be given to the asset's conservation.

This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 requires that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 201 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act requires that the Local Planning Authority shall pay special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area in discharging its planning functions.

With regards to the House Extensions and Alterations SPD, Key Design Principles 1 and 2 are relevant to the consideration of the principle of the development & visual amenity and are considered within the following report. These policies state the following:

- 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."*

With specific regard to the House Extensions and Alterations SPD, the other key designs principles for consideration are:

- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 10: Renewable energy
- Key design principle 11: Water retention
- Key design principle 12: Natural environment
- Key design principle 13: Vegetation and tree planting
- Key design principle 14: Drainage and flood risk
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

With specific regard to the proposed development, the SPD states that in terms of the proposed works the SPD states the following:

<u>Dormers</u>

Paragraphs 5.24, 5.25, 5.26 and 5.27 of the House Extension SPD relate to the provision of dormers. Given roofs are a very prominent and visible element of the majority of properties, dormer windows 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 and within the roof plane; and
- Be aligned with existing dormer windows on neighbouring properties in the same roof plane where relevant.

There is no specific design guidance within the SPD relating to raising of the roof however KDP 1 and 2 will be considered in relation to this for optimal guidance to achieve good design.
In addition, Policies within LP24 of the Local Plan and Chapter 12 of the NPPF will guide the proposal's impact on achieving good design.
The conclusion section of this report sets out the conclusions in relation to the principle of the development in light of all other material considerations.

2 –Impact on heritage amenity:

As the site is within Edgerton Conservation Area, the impact of the development on the historic environment will need also to be assessed against LP35 of the Kirklees Local Plan, national policy in Chapter 16 of the NPPF and the general duty in Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Furthermore, LP35 states *"development proposals affecting a designated heritage asset…should preserve or enhance the significance of the asset. In cases likely to result in…harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring…public benefits that clearly outweigh the harm".* This is supported by paragraph 202 of the NPPF.

In relation to its setting, Edgerton Conservation Area is defined as a: -

> *"Large residential suburb of Huddersfield characterised by mature planting in association with stone built nineteenth century villas generally in extensive grounds with gate piers and boundary walls being significant features."*

The Edgerton Conservation Area appraisal shows that Sunny Bank Road is within
Character Area 1 and that no.22 and its group is identified as a building which makes a negative factor to the heritage amenity of the area.

The work proposed would increase the height, bulk and massing of the host property's roof within the Conservation Area appearing to compete for dominance with its neighbouring properties. It would have an excessively scaled roof to which the existing gable end features would appear incongruously proportioned failing to sympathetically integrate with its host or the character of the streetscene. This would use matching materials to the host with brick and clay tiles which would be considered to harmonise with the host suitably. The proposed dormer would be harmonised with use of the roof tiling however would fail to be of high quality material using grey membrane walls to cheeks and face. Its design closely set to the increased roof ridge would appear as an obtrusive and discordant alien feature in particular given that there are no dormers of its type in the locality to aid in integrating the

design to the streetscene. The proposed changes to fenestration would have slimmer or removed frames failing to visually break up the scale of the glazing which would lead to an overly modern appearance unsympathetic to its surrounding developments. The new rooflights to the rear would appear visually dominant within the rear roof elevation with the vertical balcony type rooflights of a size and scale visually incongruous within the Conservation Area however this is mitigated by its position to the rear screened by the host. Overall the design would appear to form a cramped and bulky dwelling within a constrained site in contrast to large detached properties with sizable property gaps to flank boundaries aiding in an impression of visual openness and appropriate scale for their setting. Those neighbours to the west have been designated as positive visual contributors to the Conservation Area within the Appraisal and the design introducing increased prominence to the host would further erode the special nature of the conservation area.

The alterations to the boundary wall would have pillars that would appear modestly in-keeping with the character and design of historic boundary walls within the street scene. The green hedging would be retained in-keeping with the street which would be a visual positive contributor to the streetscene however the loss of the front landscaped amenity space for increased tarmacking would not be sympathetic with the area leading to an overly hardsurfaced area in contrast to the character of the soft landscaped front amenity spaces to other properties. The sliding gate would appear a modern feature within the streetscene and while it could be conditioned to have its appearance be more in keeping with its locality, it would still appear in association to the pedestrian gate to add an excessively gated and incongruous appearance to the otherwise open driveways of the street. The green hedging would aid in screening this impact somewhat however the property already benefits from sufficient off street parking for its intensified proposed occupancy and extending the parking areas would not achieve the effect of positively contributing to the removal of vehicular clutter within the streetscene. It

As such, Officers would consider that the proposal would not sympathetically integrate within the Conservation Area, and would have less than substantial harm with no public benefits to outweigh the harm noted in the Heritage Statement. For these reasons, the proposal would not comply with LP35 of the Kirklees Local Plan, Chapter 16 of the NPPF and the aims of preserving or enhancing Edgerton Conservation Area under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4 – Impact on Visual Amenity

In terms of visual amenity, general design considerations are set out in Policy LP24 of the Local Plan, and Chapter 12 of the NPPF, which seek to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity.

LP24 of the Kirklees Local Plan requires extensions to be *"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 & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality.
Considering the impact on visual amenity that had not already been outlined in the above, the proposed dominant design of the roof raised ridge, and its increased pitch and depth would fail to achieve a subservient or sympathetically integrated design to the original host. The alterations and the dormer to the rear would be largely screened by the host to be of minor visual impact to the streetscene, however they would not appear in keeping with the host in terms of scale, excessive glazed sections and discordant grey membrane materials. The alteration and increased bulk and massing of the roof from hipped to side gable would be in part mitigated by the flank property boundary gaps and the lie of the land aiding in breaking up the roof elevations sufficiently to avoid terracing; however the increased height of the roof would introduce the appearance of a cramped and dominant design within its plot compared to its neighbours appearing in pitch and form to be incongruous visually in the locality.
Cumulatively the proposed development would not present a subordinate addition. It would present an undue level of bulk and massing to the host obscuring the original design of the host and to have a roof failing to appear integrated with the scale and massing of the host's own gable end features. It would thus fail to respect the original design and character of the host property eroding the character and setting of its locality.
The proposed construction materials would match the host property and therefore are considered to comply with Key Design Principle 9 of the SPD and Policy LP24 of the Kirklees Local Plan.
It is therefore considered that the proposal would not be a subservient addition to the host property and by virtue of its design, scale and massing would cause detrimental harm to the visual amenities of the host property and wider locality. The proposed development is therefore not considered to comply with policies within Chapter 12 of the NPPF, LP2 and LP24a and c of the Kirklees Local Plan or Key Design Principles 1 and 2 of the House Extensions and Alterations SPD.

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

Section B and C of Policy LP24 of the Kirklees Local Plan 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 2021 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 privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

The closest properties to be affected by the development are No. 24 Sunnybank Road (northwest), 18 Sunnybank Road (northeast) and No. 20 Sunnybank Road (southeast).

No. 24
This property has four windows to its facing side elevation, two at ground and two at first floor which would have some additional bulk and massing visible to this neighbour due to the increase in height and width of the proposal. The neighbour is on elevated ground in relation to No. 22 and would be separated approximately 6.7m between properties mitigating against having an excessively overbearing impact and loss of outlook. The design and scale of the window suggest these serve non-habitable accommodation or are secondary windows to rooms. The development would be to the southeast of the neighbour however due to the positions of and distances between the properties, there would be restricted impact on overshadowing and loss of light. The proposal would have no additional windows facing this neighbour so there would be no additional impact on overlooking.

No. 18
This neighbour to the rear is partially screened by the fall in ground levels and the existing garden rear boundary fence. The increased vantage point and views from the balcony and dormer would therefore have very oblique views further mitigated by meeting the minimum recommended separation distances to habitable windows cited in the SPD. The proposal would therefore have no additional impact on overlooking, overshadowing and overbearing.

No. 20
This neighbour has no side elevation windows to be affected by the increased bulk and massing of the proposal nor there would be additional side elevation windows from the host to adequately ensure no additional impact on overlooking, overbearing or loss of outlook. The proposal would be to the northwest of the neighbour with a property separation distance of ~4.4m between the main bodies of the neighbours to ensure that there would be limited overshadowing impact in as much to be acceptable.

Other Residential Properties

It is considered that the proposed development would be sited a sufficient distance away from any other neighbouring properties not referred to above so as to prevent undue harm to these properties in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing effect.

Future Occupiers

With reference to Key Design Principle 7 of the House Extensions and Alterations SPD, the proposal would still retain an adequate, outdoor private amenity space available to future and present occupiers for acceptable standards of privacy.

In conclusion, when considering the proposal's potential impacts on residential amenity, it would comply with Policy LP24b of the Kirklees Local Plan, KDPs 3-7 of the House Extensions and Alterations SPD and Government guidance contained within Chapter 12 of the NPPF.

4 – Impact on highway safety:

Turning to highway safety, Policies LP21 and 22 of the Local Plan and KDP 15 – 16 of the 'House Extensions and Alterations SPD' have been considered along with the KC Highway Design Guide SPD and Chapter 9 of the NPPF.

The Highways Design Guide advises that proposals should have sufficient off-street parking spaces to meet need and to ensure on street parking impact is limited. For a 6 bedroom dwelling, it should have a minimum of 3 off street parking spaces which it appears to have from the assessment of the site plan however it proposes two more additional spaces by removing green landscaping to the front and to provide a wider opening and turning point for vehicle access. While this would improve somewhat the parking and access provision, it would also have pillars of a height sufficient to obstruct views and to affect intervisibility between pedestrian and vehicles exacerbated by the sloping highway. The green hedging could equally be constraints on achieving adequate visibility splays being obstructive however they are not classed as development.

Alternate parking is not explicitly required to support this development and it is considered that paragraph 4.43 of the SPD is especially relevant in this instance. Whilst the hard surface of the additional parking would be partially screened by the boundary wall and hedging it would give the appearance of a visually detrimental dominance of large areas of hard surface and would not remove the visual clutter of parked cars on the street. Properties in the locality are well served by private driveways with sufficient extents of boundary walls to enable on-street parking as and when necessary without obstructing access. As such the proposal to extend driveway spaces cannot be supported to improve highway safety or parking in direct conflict with p.4.43 and harm to visual amenity.

While no bin arrangements have been set out, the site plan indicates that there is sufficient remaining space and external access to the garden to have the bin arrangements remain as existing.

To conclude, the proposal would therefore not comply with KDP 15 of the SPD. To overcome this conflict, the parking hard surface area could be limited to supply a greater turning point should the proposal be otherwise acceptable. This would be adequately compliant with LP21 and LP22 of the Kirklees Local

Plan, KDP 15-16 of the House Extensions and Alterations SPD, the Highways Design Guide SPD and Chapter 9 of the NPPF. Any surfacing of any additional parking space would be required to be in accordance with Principle 14 of the House Extensions SPD to mitigate flood risk.

5 – Other matters:

Climate Change
When determining planning applications the Council will use the relevant Local Plan policies, the National Planning Policy Framework and guidance documents/SPDs to embed the climate change agenda to achieve 'net zero' carbon emissions by 2038.
Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development. Of some benefit the increased skylights and dormer window to the host would aid in reduced energy usage via daylighting Given the improved Building Regulations setting out high requirements for insulation and energy efficiency, the proposal would be of benefit to the original building's envelope to improve energy efficiency and would contribute positively towards carbon reduction.
Drainage
The site is within a low probability Flood Risk Zone and would have development largely limited to the existing footprint with a soft surfaced garden largely retained therefore this would have no conflict with Policy LP27 and LP28 of the Kirklees Local Plan and Key Design Principle 14 of the House Extensions and Alterations SPD.
Biodiversity
Whilst considering Biodiversity and sited within a Bat roosting layer, KDP 12 – 13 of the adopted 'House Extensions and Alterations SPD' in conjunction with LP 30 of the Kirklees Local Plan is relevant.
Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals is to a well-sealed roof upon examination with some repair evident and a relatively recent gable end extension which had disturbed the roof's form.
6 – Representations:

One representation had been received of Support. The comments were considered against the relevant policies pertaining to visual, heritage and residential amenity.

7 – Conclusion:

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF taken as a whole.

Recommendation **Refuse**

Decision Authorisation - Delegated

Application Number: 2023/90235

Officer Recommendation: Refuse

Reasons

1. The proposed extensions by reason of design, scale and massing would not be of a subservient design to the original dwelling and would appear as an incongruous and discordant feature within the streetscene. Furthermore, this would cause less than substantial harm to the visual significance and character of the Edgerton Conservation Area. There are no public benefits to outweigh the less than substantial harm caused. The proposal is therefore contrary to Policy LP2, LP24(a) and (c) and LP35 of the Kirklees Local Plan, Key Design Principles 1 and 2 of the Kirklees House Extensions and Alterations Supplementary Planning Document and Policy set out in Chapters 12 and 16 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan.	-	Unamended.	25/01/2023
Site Block Plan with Parking.		Unamended.	25/01/2023
Location Plan, Existing Site/Block Plan, Floor and Elevation Plans.	No. 09.	Unamended.	25/01/2023
Location Plan, Existing and Proposed Boundary Elevation, Proposed Parking Layout, Proposed Elevation and Floor Plans.	No. 10.	B	28/02/2023
Heritage Statement	Heritage Statement by Pickles Architecture. Dated: 06/02/2023.	Original	08/02/2023

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, supplied detailed design guidance in the House Extensions and Alterations SPD and otherwise actively engaged with the applicant in dealing with the application. The applicant was not contacted during the course of the application as the scale of amendments required

would materially change the development applied for. The agent was informed by email of the intention to refuse the application.

Report Dated: 09/05/2023