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:	**2023/62/91309/W**
Site Address:	89, Luck Lane, Marsh, Huddersfield, HD1 4QU
Description:	Dormer extension and associated internal alterations
Recommending Officer:	Laura Yeadon

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 12-Jul-2023

HOUSEHOLDER DELEGATED REPORT

Application Number	2023/91309
Location	89, Luck Lane, Marsh, Huddersfield, HD1 4QU
Proposal	Dormer extension and associated internal alterations
Publicity end date	23rd June 2023
Number of representations received	None, amended plans not re-publicised as these reduced the scale of development
Kirklees Local Plan Allocation/Designation	Unallocated – without notation
Extension to Time (EoT)	Requested **EoT Date:** 18th July 2023
Recommendation	Conditional Full Permission

	NO	YES
Applicant a Council Member or Officer in Investment and Regeneration (Skills and Regeneration)	✓	
Contrary to previous decision	✓	
Called in by Ward Member	✓	
Significant number of representations received	✓	

By indicating that the development proposal complies with relevant national and local policy and the 'House Extensions and Alterations' Supplementary Planning Document, the planning officer is taking into account the information submitted with the application, any previous relevant applications, observations during any site visit, any comments received in connection with the application and any other considerations which are material to the decision.

Policy

National

National Planning Policy Framework (NPPF) July 2021
National Planning Practice Guidance (NPPG)

- NPPF Chapter 2 – Achieving sustainable development
- NPPF Chapter 12 – Achieving well-designed places
- NPPF Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Local

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** - Biodiversity
- **LP 51** – Protection and improvement of air quality

Supplementary Planning Document 'House Extensions and Alterations' (2021).

- Key design principle 1: Local character and street scene
- Key design principle 2: Impact on the original house
- 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 12: Natural environment
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage

	YES / NO	**SUMMARY**
Negotiations/Amendments during course of application	Yes	Size of dormer reduced in width to be set in from shared boundaries to prevent a full width flat roof addition across the terraced row
Parish/Town Council comments sought	No	
Planning History	None	
Consultations required	None	

Assessment

The application seeks permission for a dormer extension and associated internal alterations.

The proposed dormer would be located on the rear elevation of the property set in from the shared boundary with the No. 91 by 0.7 metres and from the shared boundary with No. 87 by 0.15 metres. The dormer would be set up from the gutter line by 0.4 metres and down from the ridge of the roof by 0.3 metres.

The Kirklees SPD sets out that dormer extensions should comply with certain parameters set out at paragraph 5.4 on pages 31 and 32 (and listed below) and if they do not, they need to be justified:

Dormer extensions should:	**Yes - COMPLY**	**No - JUSTIFY**
relate to the appearance of the house and existing roof	Yes – set within the confines of the existing roof	
be designed in style and materials similar to the appearance of the existing house and roof	No – finishing materials would be cladding	Cladding is a typical material for dormer extensions – anthracite grey is proposed on application form – colour can be conditioned to be dark grey to match colour of existing roof
not dominate the roof or project above the ridge of the house	Yes – following amendments, and taking account of the fallback position.	
be set below the ridgeline of the existing roof and within the roof plane	Yes – this would comply	
be aligned with existing dormer windows on neighbouring properties in the same roof plane where relevant		No – no other dormer openings within rear elevation street scene – likely a PD fall back in this case
Internal alterations do not require planning permission		

Design and Visual Amenity

Summary of local street scene/character: Mid terraced property constructed from stone with a slate roof. Accommodation over three floors. Front garden set

up from the roadside with a further garden and detached garage to the rear. No other dormer extensions within the terraced rows.

Consideration has been given here in terms of the proposals impact on the local character and street scene, including subservience, terracing and building line.

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	**Further comments**	**✓ / X / N/A**
Impact on the Local character and street scene	• KDP1 of the SPD • Policy LP24 Design (a) and (c) of the KLP • Chapter 12 NPPF	Would introduce an interruption to the linear roof slope however the property hosts full Permitted Development Rights	✓
Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	Original roof form would be clearly visible	✓
Height, scale and massing	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Acceptable as amended	✓
Facing materials and detailing	• KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF	These can be secured by condition to ensure that the cladding is grey to harmonise with the existing roof	✓
Roof style	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Flat roofed – typical of rear dormer extensions	✓

Window proportions	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Proportions considered acceptable	✓
Accessibility for all users	• KDP 17of the SPD • Policy LP24 Design (f) • Chapter 12 of the NPPF	Private domestic extension. No alterations to access	✓

The design of the proposal is therefore acceptable and accords with policies LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Residential Amenity:

The main properties affected are:

- 91 Luck Lane (attached property to the south) – would not be affected by the presence of the dormer – no overlooking or overshadowing
- 87 Luck Lane (attached property to the north) – would not be affected by the presence of the dormer – no overlooking or overshadowing
- 150 & 152 Broomfield Road – properties facing the rear elevation of the application site – separated by approximately 32 metres therefore minimal concerns in terms of overlooking

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	**Further comments**	**✓ / X / N/A**
Impact on privacy of neighbours (to sides, rear and front)	• KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	Acceptable for the reasons set out above	✓
Impact on light and outlook of neighbours (to sides, rear and front)	• KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF	As above	✓

Impact on overbearing or overshadowing	• KDP 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF	As above	✓
Remaining garden space of application property	• KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF	Unaffected	✓

The proposal is therefore acceptable in terms of residential amenity and accords with policy LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Highways and Parking:

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	**Further comments**	**✓ / X / N/A**
Impact on highway safety	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	No impact	✓
Parking provision	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	There is garage provision to the rear by way of a garage. No additional bedroom accommodation would be created and therefore it would be unreasonable of the LPA to refuse permission on the basis further living accommodation is provided by the proposal.	✓
Provision for waste storage	• KDP 16 of the SPD • Policy LP24 Design (d) (iv)	None shown on plan however there is sufficient space within red	✓

	• Chapter 12 of the NPPF	line boundary to accommodate bin storage	

The proposal is therefore acceptable in terms of highways and parking and accords with policies LP21 and LP22 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Other matters:

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	**Further comments**	**✓ / X / N/A**
Impact on trees	• KDP 13 of the SPD • Policy LP24 Design (d) (i) (iv) Policy LP33 Trees • Chapter 12 of the NPPF	None	
Impact on ecology	• KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF	Bat Alert area – note can be attached to decision notice advising of process should bats be found during construction	
Carbon Budget / Climate change statement	• KDP 8, 9, 10 & 11 of the SPD • Policy LP51 • Chapter 14 of the NPPF	Small scale domestic development to an existing dwelling. As such, no special measures required in terms of the planning application with regards to carbon emissions. A Climate Change Statement has been submitted with this application.	✓
Drainage and Flood Risk	• KDP 14 of the SPD • Policy LP24 (d) (vii), LP27 and LP34 of the KLP	The site is not located within an identified Flood Risk Zone 2 or 3 area. The dormer is within the hard surfaced roof, no impact on flood risk.	✓

The proposal is therefore acceptable in terms of the above listed other matters and accords with policies set out in the Kirklees Local Plan, the SPD and the NPPF.

Representations, including Parish/Town Council comments:

Summary of Representation	**Officer response**	**Addressed ✓ / X / N/A**
None	N/A	N/A

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: CONDITIONAL FULL PERMISSION

Decision Authorisation - Delegated Powers

Application Number: 2023/91309

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 to accord with Policies LP01, LP02, LP21, LP22, LP24, LP30 and LP51 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 15 and 16 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 12 and 14 of the National Planning Policy Framework

3. The hereby approved dormer window shall be either vertically slate hung with slates that in all respects match those used on the existing roof or be clad in dark grey cladding. The materials of construction shall thereafter be retained.
Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document.

NOTE: The Council's GIS system indicates that the property is within a bat roost area and 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 to 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	23/880/01		11th May 2023
Existing block plan	23/990/02		11th May 2023
Existing elevations, floor plans and section	23/880/03		11th May 2023
Proposed elevations, floor plans and section	23/880/04d		8th July 2023
Climate Change Statement	23/880		11th May 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 and otherwise actively engaged with the applicant in dealing with the application. Amendments were sought to reduce the width of the dormer.

Report Dated: 12th July 2023