

**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:	2023/62/91867/E
Site Address:	27, Providence Court, Thornhill Lees, Dewsbury, WF12 9HX
Description:	Erection of front and rear dormers
Recommending Officer:	Edward Cheseldine

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.

Julia Steadman

AUTHORISED OFFICER

Date: 18-Aug-2023

Officer's Report

2023/91867- 27, Providence Court, Thornhill Lees, Dewsbury, WF12 9HX

Site Description

27 Providence Court is a two storey, terrace property in the area of Thornhill Lees. The exterior of the building is constructed with brick walls which fall under a concrete tiled roof. The property features a gable end roof. The property is situated within a courtyard which has properties of a similar size and style. There are dormers present within this courtyard.

No. 27 is not situated in the Green Belt or within a conservation area. There are no listed buildings in the vicinity of the property.

Proposal Description

The applicant is seeking the permission for the erection of a front and rear dormer. The front dormer is proposed to be a width of ~2.80m with a ridge line depth of ~2.30m. It will feature a triple window. The rear dormer is set to be a width of ~2.60m with a ridge line depth of ~2.60m. It will also feature a triple window. The dormers will be set back from the gutter line and down from the ridge line of the dwellinghouse.

Relevant Planning History

None relevant.

History of negotiations

Amendments to the initial submitted plans were not necessary.

Representations

The application was advertised by neighbour letters, which expired on 8 August 2023. 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 22** - Parking
- **LP 24** - Design
- **LP 30** – Biodiversity

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 the House Extensions & Alterations Supplementary Planning Document (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

Assessment

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

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 (HEASPD) 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:

Front facing dormers will be highly visible from the roadside and should therefore appear to be visually in keeping with the host dwelling and wider street scene. Dormers should be visually sympathetic to the existing roof

space and designed to be appropriate to the dwelling through characterful designs that provides additional visual benefits to the property thus, not harming the surrounding street's appearance.

Chapter 12 of the NPPF sets out that decisions should ensure that, amongst other things, developments are sympathetic to local character, including the surrounding built environment (para.127 of the NPPF). Policy LP24 of the KLP expands on this further, setting out that good design should be at the core of all proposals in the district. With regard to extensions, it states under part c, that proposals should promote good design by ensuring 'extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details'.

With regard to Kirklees Council, House Extensions and Alterations SPD, Key Design Principle 1 states 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."* Key Design Principle 2 states 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."*

Regarding this proposal, the size of the dormers is subservient to the roof space as to not appear top-heavy. Windows are placed in a central position which suit the development creating a central focus to the dormer in comparison to the alignment of the first and ground floor windows. The design of the dormers is so that they are set back from the eaves and down from the ridgeline. A 1.0m gap has been left from the dormers to the property line of the existing roof, providing appropriate spacing.

In terms of an impact to the wider streetscene, there are dormers present within the immediate vicinity. These dormers have a similar gable-end style to the proposed dormers. The addition of appropriately designed dormers will not detract from the modern appearance of Providence Court due to the roof design of the houses and spacing of the dormers in this proposal.

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 House Extensions and Alterations SPD goes into further detail with respect to outlining principles. Key Design Principle 3 of the House Extensions and Alterations SPD states, '*extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours*'.

Impact to 51, 53 & 55 Providence Court

These properties are situated to the west of the application site, on the other side of Providence Court. In terms of privacy, the dormer windows will face directly onto these properties. It is estimated the proposed front dormer will be ~24.00m from these properties. The dormer is to be on the principal elevation, therefore, there will be an elevated view from the second floor towards the collection of houses which will be unobstructed. However, given there is an existing view from the first-floor and the proposed view mirrors the design of the existing window, it is thought there would not be a change to privacy owing to distance and existing outlook and is therefore deemed to be acceptable. In terms of an overbearing and overshadowing impact, there is sufficient room left between the properties, there is therefore deemed to be no significant negative impact.

Impact to 88, 90 & 92 Brewery Lane

These properties are situated to the east of the application site, to the rear of the application site. In terms of privacy, the dormer windows will face directly onto the rear of these properties. It is estimated the proposed front dormer will be ~23.00m from habitable openings at No. 90. Private garden space is closer, estimated to be ~14.00m away. Given there is an existing view from the first-floor and the dormers are high level being on the second floor, the new outlooks are deemed to not affect the existing privacy levels. In terms of an overbearing and overshadowing impact, there is sufficient room left between the properties, there is therefore deemed to be no significant negative impact.

Impact to 25 & 27 Providence Court

These are the adjoining properties to the application dwellinghouse. There will be no change to privacy due to the dormers. The dormers are considered to leave a sufficient gap between to property boundary to mitigate any impact in terms of a loss of light, sunlight or to create an overbearing impact.

There are no other properties to consider.

Impact on highway safety:

The proposal is to add additional living space, including one bedroom to a two-bed dwelling. This will intensify the amenity space which could cause additional strains on parking provisions. Currently there are parking bays to the front of the house. These bays are not marked, however they are free and sufficient. It is deemed the additional bedroom will not cause a detrimental impact to parking amenity and is therefore deemed acceptable. The proposals will not alter access to the rear for bin storage. 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 Extensions & Alterations SPD.

Biodiversity

The proposal is for the construction of two dormers will affect the main roof of the existing dwelling. Although the site is not situated in an area that is known to include bat habitats, if signs of bat habitats were found, expert advice should be taken 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.

Conclusion:

This application to erect two dormers at 27 Providence Court 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 side/cheeks of the dormer extensions hereby approved shall be faced in dark grey PVC cladding before the extensions are first brought into use and thereafter retained.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the Kirklees House Extensions and Alterations SPD (2021) 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.

Plans and specifications table: -

Plan Type	Reference	Version	Date Received
Grouped Plans and Elevations – Existing	001	1	28/06/2023
Grouped Plans and Elevations – Proposed	002	1	28/06/2023

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 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. No amendments were sought during the course of the application.

REPORT DATED: 18/8/2023