

**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:	2023/62/92628/W
Site Address:	59-61, Moorbottom Road, Thornton Lodge, Huddersfield, HD1 3JT
Description:	Erection of front and rear dormers
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.

John Holmes

AUTHORISED OFFICER

Date: 12-Jan-2024

HOUSEHOLDER DELEGATED REPORT

Application Number	2023/92628
Location	59-61, Moorbottom Road, Thornton Lodge, Huddersfield, HD1 3JT
Proposal	Erection of front and rear dormers
Publicity end date	19 th October 2023
Number of representations received	None
Kirklees Local Plan Allocation/Designation	Unallocated land without notation on the Kirklees Local Plan
Extension to Time (EoT)	Requested to 17.1.2024
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) December 2023
National Planning Practice Guidance (NPPG)

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

- NPPF Chapter 15 – Conserving and enhancing the natural environment

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 53** – Contaminated and unstable land

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 9: Construction materials
- Key design principle 12: Natural environment
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

	YES / NO	SUMMARY
Negotiations/Amendments during course of application	Yes	It was requested that the dormer extension to the front elevation of the property was reduced in width to improve the impact on visual amenity – amended plans were submitted on 15 th November 2023 and form the basis of this assessment
Parish/Town Council comments sought	No	N/A
Planning History	No	None
Consultations required	No	None

Assessment

The application seeks permission for a front and rear dormer extension.

The front dormer extension has been reduced in size from its original submission and a reduction of 1 metre in width has been submitted. The total width of this dormer would now be a width of 2.6 metres being a total height of 1.5 metres set in from the shared boundary with No. 55 by 1.8 metres and in from the shared boundary with No. 63 by 2.9 metres. The dormer would be set up from the gutter line by 0.9 metres and set down from the roof ridge by 0.2 metres. It is proposed that the dormer shall be constructed from cladding.

The proposed rear dormer would be a width of 6.1 metres being a total height of 2.4 metres set in from the shared boundary with No. 57 by 0.8 metres and in from the shared boundary with No. 63 by 0.4 metres. The dormer would be set up from the eaves by 0.3 metres and would lie flush with the roof ridge.

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:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
relate to the appearance of the house and existing roof	Yes – both dormers would sit within the confines of the existing roof slope	
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 – colour can be conditioned to be dark grey to match colour of the existing roof
not dominate the roof or project above the ridge of the house	Yes – following amendments	
be set below the ridgeline of the existing roof and within the roof plane	Yes – front elevation dormer would comply	No – rear elevation dormer would not comply as would be flush with the existing roof line – likely a PD fall back in place in this case

be aligned with existing dormer windows on neighbouring properties in the same roof plane where relevant		
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Design and Visual Amenity

Mid-terraced through property constructed from stone with a tiled roof. The front garden is enclosed with an amenity area and to the rear is a single storey extension and yard area. The wider street scene comprises of terraced dwelling some of which are back-to-back and some through terraces. Dormer extensions, rear extensions and outbuildings evident within the wider street scene.

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	<ul style="list-style-type: none"> • KDP1 of the SPD • Policy LP24 Design (a) and (c) of the KLP • Chapter 12 NPPF 	Would introduce an interruption to both the front and rear roof slopes within the immediate vicinity however the front dormer extension has been reduced in size and in terms of the rear elevation, the property hosts full Permitted Development Rights. Other dormer extensions evident within the wider street scene	✓
Impact on original house	<ul style="list-style-type: none"> • KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF 	Original roof form to both the front and rear elevations would be clearly visible	✓
Height, scale and massing	<ul style="list-style-type: none"> • KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) 	Acceptable as front elevation dormer has been amended	✓

	<ul style="list-style-type: none"> and (d) of the KLP • Chapter 12 of the NPPF 		
Facing materials and detailing	<ul style="list-style-type: none"> • 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 match the existing roof	✓
Roof style	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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 concluded to be acceptable and accord with policies LP24 of the adopted Kirklees Local Plan, principles 1 and 2 of the House Extensions and Alteration SPD and policies within Chapter 12 of the NPPF.

Residential Amenity: Are the considerations in the following table acceptable?

The main properties affected are:

- 55 Moorbottom Road – attached to north-east (front back-to back dwelling) – would not be affected by the presence of the front dormer – no overlooking or overshadowing
- 57 Moorbottom Road – attached to east (rear back to back dwelling) – would be affected by the presence of the rear dormer – no overlooking or overshadowing

- 60 & 56-58 Moorbottom Road – facing properties to front elevation – no reduction in established separation distances
- 60 Crosland Road – property beyond rear garden – no reduction in established separation distances

	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)	<ul style="list-style-type: none"> • 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)	<ul style="list-style-type: none"> • KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF 	As above	✓
Impact on overbearing or overshadowing	<ul style="list-style-type: none"> • KDP 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF 	As above	✓
Remaining garden space of application property	<ul style="list-style-type: none"> • 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, principles 3, 4, 5 and 6 of the House Extensions and Alterations 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	<ul style="list-style-type: none"> • KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF 	No impact on highway safety	✓
Parking provision	<ul style="list-style-type: none"> • KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF 	There is no off-street parking provision at the property as existing. Due to the constraints of the site, it is not possible that off-street parking provision is able to be accommodated. It is considered it would be unreasonable of the LPA to refuse permission on the basis further living accommodation is provided by the proposal in this case given the character of the locality whereby off street parking is not readily available and on street parking dominates the street although good pedestrian and public transport links do exist and are reasonably close to the site.	✓
Provision for waste storage	<ul style="list-style-type: none"> • KDP 16 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF 	None shown on plan however there is sufficient space within red 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	Further comments	✓ / X / N/A

	Kirklees Local Plan and the NPPF		
Impact on trees	<ul style="list-style-type: none"> • KDP 13 of the SPD • Policy LP24 Design (d) (i) (iv) Policy LP33 Trees • Chapter 12 of the NPPF 	None	✓
Impact on ecology	<ul style="list-style-type: none"> • KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF 	<p>Within the 'Bat Alert Layer' within the Council's mapping system. A footnote can be attached to the decision notice advising of the procedure to follow should bats be found during the construction process.</p> <p>Given the proposals scale and nature, to an existing residential property, it is not considered necessary in this case to insist upon a survey of the roof space in relation to bats on the basis the applicant's attention is drawn to the requirements, by law, should they be encountered.</p>	✓
Carbon Budget / Climate change statement	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • KDP 14 of the SPD • Policy LP24 (d) (vii), LP27 and 	The rear garden and landscaping would be retained to allow for run-off. The site is not located	✓

	LP34 of the KLP	within an identified Flood Risk Zone 2 or 3 area.	
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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 Representation	of	Officer response	Addressed ✓ / X / N/A
None		None required	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: 2023/92628

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 LP53 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 5, 6, 7, 9, 12, 15, 16 and 17 of the Council's adopted House Extensions & Alterations Supplementary Planning

Document and Policies within Chapters 2, 12, 14 and 15 of the National Planning Policy Framework

3. The hereby approved dormer windows shall be finished in a dark grey cladding. The materials of construction and colour finish shall thereafter be retained.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, policies within 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, site plan, existing and proposed elevations and floor plans	2317/01A		15 th November 2023
Climate Change Statement	Appendix A		12 th September 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. Amended plans were sought to reduce the width of the front dormer extension to improve the impact on visual amenity. Amended plans were received on 15th November 2023.

Report Dated: 10th January 2024

