

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:	2023/62/92783/W
Site Address:	56, Briarlyn Road, Birchencliffe, Huddersfield, HD3 3NP
Description:	Erection of front and rear dormers with raised decking and 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.

John Holmes

AUTHORISED OFFICER

Date: 18-Dec-2023

HOUSEHOLDER DELEGATED REPORT

Application Number	2023/92783
Location	56, Briarlyn Road, Birchencliffe, Huddersfield, HD3 3NP
Proposal	Erection of front and rear dormers with raised decking and alterations
Publicity end date	1 st November 2023
Number of representations received	None
Kirklees Local Plan Allocation/Designation	Unallocated land
Extension to Time (EoT)	EoT Date: Requested to 22.12.2023
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
- 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 and geodiversity
- **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
- Key design principle 17: Access for all users

	YES / NO	SUMMARY
Negotiations/Amendments during course of application	Yes	It was requested that the single dormer to the front elevation was either removed from the scheme or replaced with roof lights or two smaller dormers finished in grey tiles/cladding – amended plans were received on 14 th December 2023
Parish/Town Council comments sought	N/A	
Planning History	No	

Consultations required	No	
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Assessment

The application seeks permission for front and rear dormer extensions and raised decking and alterations.

Front dormers

The initially proposed single front dormer has been omitted from the original scheme and replaced with two smaller dormers. The dormers are of identical size and would be a width of 2 metres each, set in from the boundaries of the property, set up from the gutter line by 1 metre and set down from the roof ridge by 0.2 metres. It is proposed that the dormers would be dark grey tiled/cladding.

Rear dormer

The proposed rear dormer would also be a width of 6.8 metres, set in from the side elevation of the property by 0.6 metres and in from the shared boundary with the attached property by 0.3 metres. The dormer would be set up from the gutter line by 0.5 metres and set down from the roof ridge by 0.7 metres. It is proposed that the dormer would be dark grey tiled or clad.

Decking

It is proposed that decking would be installed to the rear of the property. The area of decking would be part width of the rear elevation at 4 metres and would project 2 metres from the rear elevation of the property at a height of 0.8 metres.

Alterations

It is proposed that the window to the existing bedroom 1 would be removed and replaced with patio doors. It is also proposed that the fencing on the shared boundary adjacent to the proposed decking would be raised from 1.4 metres to 2.5 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:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
relate to the appearance of the house and existing roof	Front dormers – yes set within the confines of	

	the existing roof and pitched roofed Rear dormer – 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	Yes – the amended plans are annotated to note that the finishing materials of the dormers would be dark grey tiles or cladding	
not dominate the roof or project above the ridge of the house	Yes – the front dormers are set within the confines of the existing roof	No – The rear dormer would be a large structure although it is considered a realistic fallback exists whereby this is permitted development in any event and therefore this provides suitable justification for this element of the scheme.
be set below the ridgeline of the existing roof and within the roof plane	Yes – the dormers would comply with this	
be aligned with existing dormer windows on neighbouring properties in the same roof plane where relevant	In the immediate vicinity there are no front dormers, the proposal would be a similar scale as rear dormers in the locality.	

Design and Visual Amenity

Summary of local street scene/character: Semi-detached bungalow constructed from stone, render and cladding with a concrete tiled roof. Front garden is hardscaped with a driveway to the side leading to a detached pre-fabricated garage. The rear garden is paved.

Surrounding development is predominantly residential being mainly semi-detached dwellings being a mixture of bungalows and two storey dwellings. Beyond the rear boundary is a woodland which is protected by a blanket Tree Preservation Order.

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	Dormers – front elevation dormers have been amended from one larger dormer – rear dormer could be constructed by exercising permitted development rights (subject to criteria) Decking – to the rear with minimal impact on street scene	✓
Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	Dormers – original roof slopes to both front and rear elevations would be clearly visible Decking – to the rear and small area in terms of scale	✓
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	Dormers – all are set within the confines of the roof slopes Decking – would be at finish floor level of the house	
Facing materials and detailing	• KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF	Dormers – white uPVC cladding – similar to others to the west of the site Decking – no submitted proposed materials	✓
Roof style	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Dormers – front elevation dormers would be pitched roofed and the rear dormer would be flat roofed – typical of 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	Dormers – proportions considered to be acceptable	✓
Accessibility for all users	• KDP 17 of the SPD • Policy LP24 Design (f) • Chapter 12 of the NPPF	Private domestic roof extensions – no alterations to main 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:

- 58 Briarlyn Road – attached neighbouring property – would not be affected by dormers in terms of overshadowing or being overbearing – some level of overlooking from rear dormer – low boundary screening in situ however would be raised to protect privacy from decking area
- 54 Briarlyn Road – adjacent neighbour to east set on lower ground level – limited impact by dormers in terms of overshadowing or being overbearing – limited impact from overlooking – decking would be set in from shared boundary by approx. 6 metres and separated by detached garages to both properties
- 47 & 49 Briarlyn Road – facing dwellings – No. 49 set at oblique angle and No. 47 directly facing – separation distances not reduced by proposed works therefore limited impact

	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 - Increase in height of fence would cause limited harm as projecting to the north	✓
Remaining garden space of application property	• KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF	Unaffected as decking would retain the outdoor amenity area to the rear	✓

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	N/A	N/A
Parking provision	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	No loss of parking however 4 bedrooms are proposed therefore 3 off-street parking spaces required. 2 can be accommodated on the existing driveway and on-street parking doesn't appear to be oversubscribed	✓

Provision for waste storage	• 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	✓
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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	No impact on protected trees beyond the rear boundary	✓
Impact on ecology	• KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF	Bat Alert layer on Council mapping system – note to be attached to decision notice informing of procedure if bats are found during construction works	✓
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	The rear garden and landscaping would be	✓

	Policy LP24 (d) (vii), LP27 and LP34 of the KLP	retained to allow for run-off. The site is not located 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		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: 2023/92783

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 of the Kirklees Local Plan,

Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 15, 16 and 17 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 9, 12, 14 and 15 of the National Planning Policy Framework

3. The terrace shall not be brought into use until the fence measuring 1.8 metres in height from the floor level of the terrace on the shared boundary with No. 54 Briarlyn Road and 2 metres in projection from the rear elevation of the property has been installed. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) the fencing shall be thereafter retained.

Reason: In the interests of residential amenity, to avoid overlooking or loss of privacy for the residents of the attached property and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles 3 and 4 of the House Extensions and Alterations SPD and policies within Chapter 12 of the National Planning Policy Framework.

4. Notwithstanding the submitted plans, the pitched roof of the dormers to front shall be constructed from tiles which in all respects match those of the existing dwelling and shall be of a dark grey colour finish to the front and cheeks. The dormer to rear shall be of a dark grey colour finish to the front and cheeks. The materials of construction and colour finishes approved by this condition shall be thereafter retained.

Reason: In the interests of visual amenity to accord with policy LP24 of the Kirklees Local Plan, principles 1 and 2 of the House Extensions and Alterations SPD and policies within Chapter 12 of the National Planning Policy Framework.

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, existing elevations and floor plans	2382-0101-P01		22 nd September 2023
Proposed block plan, elevations and floor plans	2382-0301-P03		14 th December 2023
Climate Change Statement	Appendix A		25 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 amend the large front dormer extension to two smaller pitched roof dormers with matching materials. Amended plans were received on 14th December 2023.

Report Dated: 18th December 2023