

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:	2023/62/93545/W
Site Address:	3, Percy Street, Fartown, Huddersfield, HD2 2RX
Description:	Erection of front and rear dormers with associated alterations
Recommending Officer:	Lucy Taylor

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.

John Holmes

AUTHORISED OFFICER

Date: 04-Mar-2024

Officer Report.

Reference: 2023/93545

Location: 3, Percy Street, Fartown, Huddersfield, HD2 2RX

Proposal: Erection of front and rear dormers with associated alterations

Site Description.

3 Percy Street is a two-storey property located in Fartown, Huddersfield. The external walls of the property are faced in artificial stone and the roof is infilled with tiles. A large, detached garage structure is located to the rear of the site.

The property is located within a residential area, where a variety of construction styles and designs are established.

Description of Proposal.

Planning permission is sought for the erection of front and rear dormers with associated alterations.

The front gable roofed dormers would have the following dimensions:

- Depth – 2.5 metres
- Width – 1.8 metres
- Height – 2 metres

The rear dormer would have the following dimensions:

- Depth – 3.5 metres
- Width – 6.3 metres
- Height – 2.9 metres

As part of the proposal, the existing roof above the two-storey side addition would be increased, taking the ridge height of the two-storey side addition to the same ridge height as the host dwelling.

History of Negotiations.

The case officer entered into negotiation with the planning agent / applicant and as a result, an amended scheme was submitted, which saw the removal of any reference to a garage extension and saw a reduction in the size/scale of both front dormers and the rear dormer.

The amended elevation plan and floor plan submitted form the basis of the determination of this application.

As a result, the case officer amended the description of proposal accordingly, to remove reference to the originally proposed garage extension.

Whilst amendments were submitted, it was not deemed necessary in this instance to re-advertise the scheme. This is because the amendments saw an overall reduction in the extent of built form proposed.

Relevant Planning History.

- 86/00271 – Erection of garage. *Granted Conditionally.*
- 90/04776 – Erection of 2 storey and single storey extensions. *Granted Conditional Full Permission.*
- 2003/91681 – Erection of 2 storey extension to existing 2 storey extension. *Granted Conditional Full Permission.*
- 2010/93064 – Demolishing & erection of a garage. *Granted 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 26th January 2024 – no representations were received.

Consultation Responses.

No consultations were deemed necessary.

Policy/Legislation.

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 located within an area identified by the Coal Authority as being at high risk of ground movement as a result of former mining activity.

Part of the site falls within an area with a known presence of bats.

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design
- LP30 – Biodiversity & Geodiversity
- LP51 – Protection and Improvement of Local Air Quality

Supplementary Planning Documents:

Highways Design Guide SPD (2019)

House Extensions and Alterations SPD:

The Kirklees House Extension and Alterations SPD, adopted on 29 June 2021, has been prepared to help householders, developers, agents and architects who are planning and designing an extension or alterations (householder development) to an existing residential property, including conservatories and outbuildings, such as garages. It provides detailed guidance regarding the standard of development that will help achieve a well-designed house extension or alteration required by the Council.

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 December 2023, together with Circulars, Parliamentary 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 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Assessment.

The following matters are considered in the assessment below: -

1) Principle of Development

- 2) Impact on Visual Amenity
- 3) Impact on Residential Amenity
- 4) Impact on Highway Safety
- 5) Other Matters
- 6) Representations
- 7) Conclusion

1) Principle of Development

Chapter 2 of the NPPF states that: *“Planning policies and decisions should play an active role in guiding development towards sustainable solutions...”*

Chapter 2 of the NPPF goes on to further state that objectives should: *“support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment...”*

In line with the NPPF, Policy LP1 of the Kirklees Local Plan (KLP) declares that: *“...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.”*

Policy LP1 goes further and states: *“The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”*

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that *“good design should be at the core of all proposals in the district”*.

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 Visual Amenity

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) whereby paragraph 126 provides a principal consideration concerning design which states: *“The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*

Paragraph 135 of the NPPF is of relevance, in particular the following parts:-
- *‘b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping’*

- 'c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

- 'a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...'*
- 'c. extensions are 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 and Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality.

Part of the development proposal would see the roof of a two storey addition to the side re designed to tie into the ridge of the host property, this is currently set down and reads as a subservient addition to the host. This would be undertaken to assist in the creation of dormers to the front and rear.

Front Dormers & Re-Designed Roof:

The roof above the previously erected two-storey side extension is to be increased in height, taking the ridge height to the same level as the ridge height of the roof above the original dwellinghouse. This increase in height would have a detrimental effect on the overall design of the two-storey side extension, altering its current subservient appearance / siting to create an extension which would be seen as overly dominant.

The increase in roof height would be contrary to the design recommendations for two-storey side extensions, as set out within the House Extensions and Alterations SPD.

Therefore, it is considered that, the positioning of one of the proposed front dormers, within the extended roof slope of the previously erected two-storey side extension would further the impacts of the increased ridge height, adding to the overall extent of bulk / massing which would be created.

Therefore, whilst officers acknowledge the presence of front dormers within the street scene, it is considered that the number of dormer additions, coupled with the re-design of the roof of the two-storey side extension, would see the host property having a level of bulk and massing which is out of character with that of neighbouring dwellings. Officers also draw attention to the fact that

other properties within the street scene which have a dormer to front are developed such that there is only one gable roofed dormer, which is typically sited centrally within the front roof slope of the original roof.

In this case it is considered the number of dormer additions proposed to the front, coupled with the alterations to the previously consented and implemented development at the site, as well as associated works to the roof, would see a the host property further development such that it would have an appearance which is out of character with the street and wider locality.

Rear Dormer:

The rear dormer proposed to No. 3 Percy Street would be a box like structure, built across the roof plane of the host dwelling and the previously erected two-storey side extension, which is to be increased in height as part of this proposal. Given the size/scale of the proposed rear dormer, as well as it's width across both roofs, it is considered that it would result in the building appearing top heavy and cluttered.

Paragraph 5.25 states that *"Ideally, dormers should be located to the rear of a house and should be as small as possible with a substantial area of the original roof retained."* In this instance, the rear dormer would take up a significant extent of the roof plane of the original house, as well as covering some of the rear roof slope of the side extension. Furthermore, the dormer would be set down from the ridge height of the roof by only 0.2 metres. As such, given this, it is considered that the rear dormer would dominate the roof and not read as a subservient addition having a harmful visual impact. This conclusion is drawn given the fact the rear of the property is prominent with a number of rear accesses allowing views of the rear roof slope from a number of public vantage points within the surrounding streets.

Whilst officers acknowledge that the neighbouring property of No. 9 Percy Street has rear dormers erected, these are of a smaller size/scale and of a traditional vertical dormer design. In addition, the flat roofed rear dormer erected to No. 41 Wasp Nest Road, is much smaller in size/scale to the rear dormer proposed at No. 3 Percy Street, with the siting of this dormer significantly less prominent given the lower height of the host dwellinghouse.

Therefore, the proposal is not considered to comply with the policies within Chapter 12 of the NPPF, Policies LP1, LP2 and LP24 of the Kirklees Local Plan and Key Design Principles 1 and 2 of the House Extensions and Alterations SPD.

3) Impact on Residential Amenity

Section B and C of LP24 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 135 of the National Planning Policy Framework 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.

In accordance with Key Design Principle 7 of the House Extensions and Alterations SPD, the proposal would not see a reduction in the existing extent of outdoor amenity space at the property.

No. 5 Percy Street adjoins No. 3 to the north. The proposed dormers would be contained within the envelope of existing roof slopes at No. 3 (original dwelling and extension) and there is no roof lighting within the roof of No. 5, therefore, the dormer extensions would not be considered to result in any undue levels of overbearing and/or overshadowing for the occupiers of this neighbouring property.

It should be noted that the proposals do not include any forms of glazing to face directly towards this neighbouring property, retaining appropriate levels of residential privacy.

It is considered that the proposed works would be a sufficient distance away from No. 1 Percy Street and any other neighbouring properties to prevent any undue impacts to residential amenity. The glazing to the rear dormers would retain a distance of 21 metres from the properties to the rear of the site. The glazing to the front dormers would likely be obscured glazed as it would serve en-suite bathrooms within the interior of the dwelling.

The scheme therefore complies with Policies LP24(b) of the Kirklees Local Plan, Key Design Principle 6 of the House Extensions and Alterations SPD and policies within Chapter 12 of the NPPF.

4) Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

The proposal would result in 3 Percy Street having 5 bedrooms. Based on the information submitted for previous planning application 2003/91681, it is considered that the property at present has four bedrooms.

Paragraph 4.42 of the House Extensions and Alterations SPD sets out that:

‘Proposals should maintain appropriate access and parking arrangements, including for bicycles. The number of parking spaces required are dependent on the size of the property and the prevailing local characteristics and will be considered on a case-by-case basis. An initial point of reference for residential development is as follows: 2 to 3 bedroom dwellings provide a minimum of 2 off-street car parking spaces, 4+ bedroom dwellings provide 3 off-street parking spaces’

Whilst the proposal would see a shortfall in parking, the development would intensify the use of the property by only one additional bedroom and therefore, it is not considered that parking demand would increase significantly above the existing situation at the site. At present, based on the guidance set out above, the property at present has a shortfall of 2 spaces, it would be the same shortfall in the number of spaces if permission was granted under this current planning application.

Whilst officers note that there is an option to increase parking on the site, in the case of determining this current planning application, this hasn't been explored due to the reasons for refusing the application on other grounds. However, in any case of an approved permission at the site, officers could impose a condition, relating to the submission of parking details, to ensure an increase in parking provision.

5) Other Matters

Climate Change:

Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

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.

As part of this planning application, a Climate Change Statement was submitted, which sets out various mitigation measures. Considering the small-scale of the proposed development, it is considered that the proposed

development would not have an impact on climate change that needs any further mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the NPPF and Policy LP51 of the Kirklees Local Plan.

Bats:

Chapter 15 of the National Planning Policy Framework is relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

Part of the application site lies within the bat alert layer on the Council's GIS system, specifically, the detached garage.

The proposal would see works to the roof of the detached garage and main dwelling, which has the potential for roosting bats to be present. Whilst it is not considered proportionate for the LPA to insist upon a full assessment of the roof space to be undertaken in this case, in the event of any grant of permission a note would be added to the decision notice, stating that if bats are found development shall cease and the advice of a licensed bat worker sought. This is to accord with the aims of Chapter 15 of the NPPF.

6) Representations

None.

7) 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 adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material considerations.

The proposal is considered to have an unacceptable visual impact upon the host property and wider locality as a result of the size/scale and design of the extensions.

Recommendation: Refuse
Decision Authorisation: Delegated Powers
Application Number: 2023/93545
Officer Recommendation: Refuse Permission

Reason for Refusal:

1. The proposed development, by reason of its design, scale and massing would fail to be subservient to the original dwelling and would appear as obtrusive additions, having a harmful impact upon the character and appearance of the dwelling and wider street scene. The development would therefore be contrary to Policy LP24 parts (a) and (c) of the Kirklees Local Plan, Key Design Principles 1 and 2 of the Kirklees House Extensions and Alterations Supplementary Planning Document and national policy set out in Chapter 12 of the National Planning Policy Framework.

Plans and Specifications Schedule:

Plan Type	Reference	Version	Date Received
Existing Elevations	UD-498	-	01/12/23
Existing Floor Plans	UD-498	-	01/12/23
Proposed Plans and Elevations	UD-498	-	21/02/24
Proposed Plans	UD-498	-	21/02/24
Site Plan	UD-498	-	14/12/23
Climate Change Statement	-	-	14/12/23
Supporting Statement	-	-	21/12/23

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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The case officer entered into negotiation with the planning agent / applicant and as a result, an amended scheme was submitted.

Report dated:

04.03.24

