

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:	2023/62/93567/E
Site Address:	62, Ings Mill Avenue, Clayton West, Huddersfield, HD8 9QG
Description:	Erection of dormer windows and increase in ridge height, replacement access gates and boundary fence and new decking area
Recommending Officer:	Elenya Jackson

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.

Emma Thompson

AUTHORISED OFFICER

Date: 09-Feb-2024

OFFICER REPORT: 2023/93557

Site Description

62, Ings Mill Avenue, Clayton West, Huddersfield, HD8 9QG
a 1.5 storey detached dwelling which benefits from a garage, driveway and limited amenity space.

The property occupies a corner plot within the street scene adjacent to the junction between Church Lane and Ings Mill Avenue. The dwelling is constructed of stone with artificial slate roof.

The properties within the vicinity are not uniform as the wider street scene is comprised of two storey semi-detached dwellings appearance, the material palette is a mix of red brick and stone.

The site is located within a high risk coal area and has had its permitted development rights removed.

Description of Proposal

The application is seeking permission for erection of dormer windows and increase in ridge height, replacement access gates and boundary fence and new decking area.

The existing roof is a pitched roof which would be retained if the proposal received planning permission. The existing maximum height of the property is 6.3m and this would be increased to 6.7m.

The existing dwelling does not feature any dormers and the proposal would introduce a dormer to the northern and southern elevations of the dwelling.

The dormer on the northern elevation would have a width of 10.2 with a projection of 1.8m.

The dormer on the southern elevation would have a length of 6.6m and a projection of 1.8m.

The proposal would introduce 14.9m of fencing along the northern boundary which would be set back 1m from the edge of the highway.

The proposed decking would be on the southern boundary in the amenity space.

Relevant Planning History

No relevant history

History of negotiations

Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 encourages negotiation/engagement between Local Planning Authorities and agents/applicants, this is only within the scope of the application under consideration. Officers requested alterations to the boundary treatments on site due to concerns raised by KC Highways.

Representations

The application was advertised by neighbour letters, which expired on 19/01/2024

As a result of the above publicity no representations were received.

Denby Dale Parish Council – No objections

Consultation Responses

None

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

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 this 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 December 2023, 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 and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Assessment

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 Extensions & Alterations SPD 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:

Key Design Principle 1 of the House Extensions & Alterations SPD does state 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. Furthermore, Key Design Principle 2 of the House Extensions & Alterations SPD goes on to state 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 details.

The proposal would be visible from the street scene.

Paragraph 4.2 of the House Extensions & Alterations SPD states that “the local context, character and identity of the area will be a significant factor in determining the appropriate form and scale of alterations”. Paragraph 4.6 states “where extensions seek to differ from the existing materials, design, **roof pitch** or detailing, proposals will be considered on a case by case basis.

As previously highlighted, the dwellings that make up the street scene are not uniform in appearance. The majority feature side facing gable ends however, there is one other property of similar design. It is considered that the increase to the roof height of the dwelling would be marginal in the context of the dwelling and would retain the existing roof pitch.

There are no other examples of dormers within the immediate street scene, there are smaller ones to more recent development along Church Lane. Those proposed as part of the scheme are relatively large in scale. However, as they are set above the eaves of the dwelling and down from the ridge with minimal projection, it is considered that they would not significantly detract from the host dwelling or unbalance its proportions. The dormer to the front sits comfortably within the roof scape allowing the original roof to remain dominant. The rear dormer is larger but is proportionate to the existing roofscape being set down from the ridge within the plane.

The dormers are to be finished with a dark grey rubber membrane which is not a characteristic material. It is considered that a condition would be reasonable to ensure the dormer cheeks are clad in tiles matching the existing roof to facilitate the dormers integration with the host dwelling. Subject to this condition the proposed development is considered acceptable.

It is considered that the alteration to the fence would not enclose the entire site and the hedgerow would be retained to the east and south of the site. The fence would also be set back from the street scene and would not be out of keeping in this instance.

Finally, the proposed decking area would be of low prominence in the public realm

Having taken the above into account, the proposed extension would not appear to be out of character with the host dwelling or the wider street scene. The proposals therefore comply with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout, KDP 1 & 2 of the House Extensions & Alterations SPD 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 & Alterations SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light and Key Design Principle 6 on preventing overbearing impact.

60 Ings Mill Avenue: adjoins the application property to the north.

Overlooking: The proposed dormer to the northern elevation would introduce side facing windows which would face the side of no.60 and its amenity space. Four of these windows would relate to bedrooms 3 and 4. It is acknowledged by officers there are currently roof lights in the host dwelling, but the relationship would be altered to a more direct relationship if the windows were changed from roof lights to a dormer. Having reviewed the plans, officers notice that the northern windows for bedroom three would be secondary to a window in the gable end of the dwelling and bedroom four would feature windows in the southern elevation. Therefore, officers consider it necessary to add in an obscured glazing condition to the northern windows to protect the private amenity space of the occupiers of no.60.

Overshadowing/loss of light/overbearing: It is considered that the alterations to the dwelling would result in a marginal increase in the height of the dwelling, it is considered this would not have a significant overshadowing or overbearing relationship to the occupiers of no.60 due to its limited scale. There is a change in ground levels between no.60 and the application property; however, it is considered that the alterations to the boundary would retain the existing separation distance between the dwellings and would not raise any significant concerns regarding overshadowing/loss of light or overbearing.

9 Vinery Close adjoins the application site to the west.

Overlooking: The proposal would not feature any side facing windows onto no.9.

Overshadowing/loss of light/overbearing: It is considered that the alterations to the dwelling would result in a marginal increase in the height of the roof, it is considered this would not have a significant overshadowing or overbearing relationship to the occupiers of no.9 due to its limited scale and would retain existing separation distances.

It is acknowledged that there are properties 31 and 33 Church Lane to the south of the application site, officers do not consider there to be any significant harm to the residential amenity of the occupiers of these dwellings due to the separation distance, offset relationship, change in ground levels and windows facing into a street scene being a usual relationship.

Having considered the above factors, the proposal is not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key Design Principles 3, 5, 6 & 7 of the House Extensions & Alterations SPD and the National Planning Policy Framework.

Impact on highway safety:

The proposals would result in the intensification of the domestic use of the site.. The site currently has a driveway and the proposal would not result in the loss of any parking spaces onsite. KC Highways were informally consulted on the application and requested that the boundary treatment was reduced in height for a depth of 1m from the highway. It is considered that due to no spaces being lost as a result of the proposal and the receipt of amended plans for the boundary treatment, the proposal is considered to comply with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extensions & Alterations SPD.

Other matters:

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.

Proposed conditions

Three Years

In accordance with the approved plans

Matching Materials

Dormer materials

Obscured glazing

Conclusion:

This application 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.

The proposed alterations would not be out of character with the host property and the wider area. To permit the proposals would accord Policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extensions & Alterations SPD and advice within Chapter 12 of the National Planning Policy Framework.

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. For the reasons set out above it is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2023/93567

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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions and Alterations SPD and the aims of the National Planning Policy Framework.

3. Notwithstanding the approved plans, all external facing and roofing materials of the roof alterations hereby approved shall in all respects match those used in the construction of the existing building and thereafter be retained.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions and Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

4. Notwithstanding the approved plans the dormer extensions shall be clad with vertically hung tiles similar in appearance to the existing roof tiles and thereafter be retained.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions and Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

5. Notwithstanding the approved plans, all first floor windows in the northern elevation of the dormer hereby approved shall in the first fitting be obscured glazing with a Pilkington level of four or equivalent. This shall be retained for the lifetime of the development.

Reason: In the interests of residential amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions and Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Date Received
Location Plan		4/12/2023
Proposed site and Block Plan	P03	4/12/2023
Existing site and Block Plan	P02	4/12/2023
Proposed Floor Plan	P06	4/12/2023
Existing Floor Plan	P04	4/12/2023
Proposed Elevations	P07	4/12/2023
Existing Elevations	P05	4/12/2023
Proposed Elevations	P09 Rev:A	
Existing Elevations	P08	4/12/2023
Sections	P10	4/12/2023
Climate change statement		4/12/2023

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 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.

Revised boundary treatment plans were requested.