

**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:	<b>2024/62/90373/W</b>
Site Address:	24, Mount Street, Lockwood, Huddersfield, HD1 3QP
Description:	Erection of dormer extension
Recommending Officer:	Laura Yeadon

**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.**

Teresa Harlow

***AUTHORISED OFFICER***

**Date: 07-May-2024**

## **Officer Report**

[Weblink](#)

### **Site Description**

24 Mount Street is a mid-terraced back-to-back property constructed from stone with a tiled roof which is located within an area without notation on the Kirklees Local Plan. The property is to the rear of the terraced row and to the rear of No. 22. There is a single storey extension located to the front of this property which is to the rear of the road facing elevation. Amenity space is also to the front of the property which is also to the rear of the road facing elevation.

There are no other dormer extensions to the properties within Mount Street with the majority of these dwellings retained as back-to-back dwellings. The long terraced row slopes upwards from Lockwood Road to the south-east to Victoria Road to the north-west.

### **Description of Proposal**

The application is for erection of a dormer extension with the north-east facing roof slope.

The measurements of the proposal are as follows:

- Width – 5 metres
- Projection – 2.6 metres
- Height – 1.7 metres
- Set up from eaves – 0.2 metres
- Set down from ridge – 0.8 metres
- Set in from side boundaries – 0.5 metres and 0.2 metres

It is proposed that the dormer would be constructed from cladding with an anthracite coloured finish.

### **History of negotiations/amendments received**

No negotiations have taken place as it was considered that the principle of the works was not acceptable however it was requested that an updated plan was submitted to demonstrate what accommodation would be contained within the loft space for clarity. An updated plan was received on 22<sup>nd</sup> March 2024.

### **Relevant Planning History**

1993/02367 Erection of single storey rear extension  
*Conditional Full Permission*

## **Representations**

We are currently undertaking the legal 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.

Final publicity date expired 24<sup>th</sup> April 2024 – no representations received

Parish/ Town Council – not applicable

## **Consultation Responses**

None received

## **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 27<sup>th</sup> February 2019).

The site is without notation on the Kirklees Local Plan.

### Kirklees Local Plan:

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity
- **LP 51** – Protection and improvement of air quality

### Supplementary Planning Documents:

- House Extensions and Alterations SPD

### National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20<sup>th</sup> December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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 2 – Achieving sustainable development

- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding & coastal change.
- Chapter 15 – Conserving and enhancing the natural environment

### Legislation

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### **Assessment**

The following matters are considered in the assessment below –

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

#### 1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 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 National Planning Policy Framework. LP1 goes on further to stating that:

“The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy LP2 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design, including the adopted Kirklees Supplementary Planning Document on House Extensions (SPD).

Within the adopted SPD, Key Design Principles 1 and 2 are relevant to the consideration of the principle of the development & visual amenity and are considered within the following report. These policies state the following:

- Principle 1 – 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.”
- Principle 2 – 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.”

With specific regard to the House Extensions and Alterations SPD the key design principles for consideration are:

- 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

With specific regard to the proposed development the SPD states that in terms of dormer extensions, Paragraphs 5.24, 5.25, 5.26 and 5.27 of the House Extension SPD relate to the provision of dormers.

It cites that given roofs are a very prominent and visible element of the majority of properties, development affecting the roof, such as dormer extensions need to be carefully considered in terms of their appearance and scale in order to be considered acceptable in terms of LP24 of the KLP, KDP 1 & KDP2 of the House Extension SPD and chapter 12 of the NPPF.

The conclusion section of this report sets out the considerations in relation to the principle of the principle of the development in light of all other material considerations.

## 2 – Impact on visual amenity:

Policies LP1, LP2 and LP24 of the Kirklees Local Plan are all relevant in this case as they seek to achieve good design that retains a sense of identity, which is in keeping with the scale of development within the area and is visually attractive. With reference to extensions, Policy LP34(c) of the Kirklees Local Plan states that these should be ‘subservient to the original building’ and ‘in keeping with the existing building 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) seeks to ensure

development is subservient to the host property and in keeping with the character of the locality. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

These are also reinforced within Chapter 12 of the NPPF (Achieving well designed and beautiful places) where paragraph 131 provides an overarching consideration to design stating that “The creation of high quality, beautiful and sustainable 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 the development acceptable to communities.” Paragraph 135 goes on to state that planning decisions should ensure developments are sympathetic to local character, including the surrounding and built environment.

The scheme proposed dormer extension which would be located within the front elevation of the property, to the rear of the road facing elevation of the building. The character of the street is such that it is characterised by pitched roofs which due to the topography are stepped upwards to the north-west with little interruption to the roof forms other than chimneys. As a single aspect property, the front roof is the only roof slope and there is no ‘permitted development’ fallback for the installation of a dormer window.

The proposed development would introduce a new roof form the street which is relatively large in scale and would be an alien feature within the street scene whereby no other dormer openings are located within either the road facing roof slopes or the north-east facing roof slopes. Due to the interruption to the somewhat linear roof form, the development would be incongruous in relation to the character of the host dwelling and to the wider street scene and therefore would not comply with the Council’s adopted SPD.

The dormer would fail to relate to the appearance of the house and existing roof by being set so low within the roof and whilst set up from the gutter slightly, due to the marginal set back from the eaves would have the visual appearance that the structure would be almost built up off the rear wall of the property. In addition, the proposed openings do not relate to or be in keeping with the existing opening within the existing property.

It is therefore considered that the proposed dormer would result in an alteration to the roof form which would appear incongruous by introducing an alien feature into the street scene where there are no other such features at present. The overall size, scale and siting of the dormer would alter the street scene where the roof slopes are uniform in design and would introduce a feature where none are currently evident.

The proposed development would therefore be detrimental to visual amenity contrary to Policies LP24 (a and c) of the Kirklees Local Plan, Key Design Principles 1, 2 and Section 5 of the Council’s House Extensions and Alterations SPD and policies within Chapter 12 of the NPPF.

### 3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. 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.

Sections (b) and (c) of Policy LP24 of the Kirklees Local Plan 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 NPPF states that for planning decisions should ensure that developments have a high standard of amenity for existing and future users.

In terms of this proposal, due to the attached neighbouring properties hosting no dormers and due to there being no increase in footprint to the dwelling, it is not considered that the proposed works would cause significant harm from overshadowing or by being overbearing.

In terms of overlooking, the dormer would not reduce any established separation distances and therefore would not cause undue harm from overlooking.

Key Design Principle 7 of the SPD requires that extension sure that appropriately sized and usable areas of outdoor spaces are retained. In this instance, there are no proposed alterations to the footprint of the building and therefore the works would retain the outdoor amenity space as existing. It is therefore considered that the development would comply with this principle.

Therefore, it is considered that the proposed works are acceptable in terms of residential amenity. It is considered that there will be no significant impact on neighbouring properties in terms of overshadowing, from being overbearing or from overlooking and the proposal would accord with the aims of policies LP1, LP2 and LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the Council's adopted House Extensions and Alterations Supplementary Planning Document as well as policies within Chapter 12 of the National Planning Policy Framework.

### 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.

In this case there is no existing off-street parking provision for the property, due to the constraints of the site, it is not considered that off-street parking can be accommodated within the site and therefore it would be unreasonable of the LPA to refuse permission on the basis of lack of parking in this case.

It is also noted that there is sufficient space within the site boundary to accommodate bin storage and therefore would comply with Key Design Principle 16 of the SPD.

#### 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.

A Climate Change Statement has been submitted with the application which is considered appropriate to the development proposed.

*Biodiversity* –Chapter 15 of the National Planning Policy Framework are 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.

The application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance. The site location, level of light and relationship with other properties would conclude that there is a not a reasonable likelihood that bats would be present on site.

Coal legacy – The site is located within the Coal Authority's "Development Low Risk Area". There is no statutory requirement to consult the Coal Authority regarding development within the "Development Low Risk Area", instead an informative note can be appended to the decision notice which constitutes the deemed consultation response. The application site falls within an area at low risk of ground movement as a result of past mining activities as determined by the Coal Authority. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority's standing advice is provided with any grant of approval. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with Chapter 15 of the National Planning Policy Framework.

#### 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 development proposals do not accord with the development plan and the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF taken as a whole.

**Recommendation**

**REFUSE**

**Decision Authorisation - Delegated Powers**

**Application Number:** 2024/90373

**Officer Recommendation:** Refusal

The proposed dormer extension would result in an overly prominent and incongruous feature being introduced to the street scene. The size, scale and siting of the dormer would have a harmful visual impact on the host dwelling and wider street scene. The proposed works would therefore be contrary to Policies LP24 (a and c) of the Kirklees Local Plan. Key Design Principles 1 and 2 and detailed guidance within Section 5 of the Council's adopted House Extensions and Alterations SPD and policies within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Existing location plan and site plan	A01		8 <sup>th</sup> March 2024
Proposed location plan and site plan	A02		8 <sup>th</sup> March 2024
Existing and proposed loft plan	A03		22 <sup>nd</sup> March 2024
Existing and proposed elevations	A04		9 <sup>th</sup> February 2024
Climate Change Statement	Appendix A		9 <sup>th</sup> February 2024

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.

No negotiations have taken place as it was considered that the principle of the works were not acceptable as the dwelling is single aspect and the dormer extension would by definition be to the front elevation.

**Report Dated:**

3<sup>rd</sup> May 2024

Coal – low

