

**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:	2024/62/90392/E
Site Address:	66, South Street, Savile Town, Dewsbury, WF12 9NE
Description:	Erection of front and rear dormers with loft conversion
Recommending Officer:	Jennifer Booth

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.

Emma Thompson

AUTHORISED OFFICER

Date: 16-Apr-2024

OFFICER REPORT

Site Description

66 South Street is a stone fronted, mid-terraced property with a porch on the front and single storey extensions to the rear. The property has a small, enclosed space at the front and the rear.

The property is located on a residential street with properties of a similar age although there are variances in terms of style.

Description of Proposal

The applicant is seeking permission for dormers to the front and rear.

Both dormers would have a width of 5m with a height of 2m. The roof forms would be flat.

The dormers would be clad with vertically hung tiles.

Relevant Planning History

2000/90635 - erection of ground floor extension - approved

2001/90211 - erection of garage extension - approved

2006/91732 - erection of first floor extension - approved

2019/92428 - raising roof to form second floor - approved

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. The submitted plans raised concerns in terms of the size of the front dormer. Amended plans have not been sought.

Representations

The application was advertised by neighbour letters, which expired on 26/03/2024

As a result of the above publicity, two representations have been received, 1 is objecting & 1 in support. The material planning matters raised are summarised as follows:-

- The dormers would be out of character.
- Loss of privacy.
- Overshadowing.
- Noise and disturbance.

Although other matters such as building regulations and drainage have been raised, only material planning matters can be considered. It is also noted that one of the representations stated that the area is a conservation area and there is a listed building. This is incorrect.

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
- **LP 53** - Contaminated land

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
- Chapter 15 – Conserving and enhancing the natural environment

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.

It is noted that planning approval was granted in 2019 to extend this property upwards by raising the roof to form a second floor. The previous permission has lapsed and carries no significant weight when considering the current proposals, which are for front and rear dormers, as they would have a different visual impact. It should also be noted that an upward extension similar to the neighbour would be more in keeping than the dormers proposed so whilst the dormers maybe smaller overall the design would be obtrusive and out of character. The current proposals shall be assessed fully below.

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 under consideration consists of two distinct elements which shall be addressed below.

Front dormer

Paragraph 5.26 of the House Extensions & Alterations SPD requires consideration of the wider area and surrounding buildings when considering whether a front dormer is appropriate. Dormers should be well-designed and small in scale.

The width and height of the dormer proposed on the front would be prominent given the position and incongruous given the size. From the site visit, it is clear that there are no dormers of such significant size in the street although it is appreciated that there are a few examples of smaller dormers. There are also a number of examples of properties extending upwards including at the adjoining 68 South Street. However, this form of extension continues upwards in a similar fashion to the main house. Should an application be received for a similar extension weight would be afforded to the neighbouring development. The introduction of a dormer of the scale proposed would appear incongruous with the neighbouring extension as well as within the terraced row where there is only one other dormer of a smaller scale. The dormer proposed, especially such a wide dormer, has an incongruous box-like appearance. It is noted that the intention would be to clad with vertically hung tiles which would soften in terms of appearance. However, the overall size given the lack of anything similar in the immediate row and that opposite is considered to be inappropriate and unacceptable in terms of visual amenity.

Whilst some weight is afforded to the varying dormers in the vicinity of the site these are to the rear and as such not read within the same street scene or context and as such cannot be afforded significant weight.

Rear dormer

In point 5.25 of the House Extensions & Alterations SPD, it does suggest that rear dormers can be considered to be appropriate dependent upon design and size.

The rear dormer is large. However, this would not be particularly prominent given the position to the rear of the dwelling. It is noted that there are access roads at the rear and that there are no similar sized rear dormers on this side of the road. However, some weight can be afforded to the potential for a dormer of the same size to be added to the property under permitted development. Furthermore, the use of vertically hung tiles does soften the appearance. On balance, the rear dormer is considered to be supportable in terms of visual amenity.

Having taken the above into account, although the rear dormer could be considered to be acceptable, the front dormer, because of the size and prominent position results in harm in terms of visual amenity for both the host dwelling and the wider street scene, thereby failing to 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.

Impact on 64 South Street

The works proposed are set up within the roof space with limited potential to result in any overshadowing, overbearing or overlooking.

With regards to the impact on the adjoining 64 South Street, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 135 of the NPPF and the proposals are considered to be acceptable.

Impact on 68 South Street

The adjoining neighbour to the south has extended upwards to form a second floor. As such, the proposed front and rear dormers would not result in any overshadowing, overbearing or overlooking.

With regards to the impact on the adjoining 68 South Street, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 135 of the NPPF and the proposals are considered to be acceptable.

Impact on 14 St Marys Place

There are approx. 14m between the original rear wall of the host property and the blank side elevation of the neighbouring 14 St Marys Place. Given the

spatial relationship, the proposed rear dormer would result in no overlooking, overshadowing or overbearing.

With regards to the impact on the neighbouring 14 St Marys Place, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 135 of the NPPF and the proposals are considered to be acceptable.

Impact on 57 South Street

The property on the opposite side of South Street occupies a position some 21m from the host property. The works being set up within the roof plane with no reduction in the space between the properties is such that there would be no overlooking, overshadowing or overbearing.

With regards to the impact on the neighbouring 57 South Street, the scheme is considered to be acceptable in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 135 of the NPPF.

Having considered the above factors, the proposals are 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 Paragraph 135 (f) of the National Planning Policy Framework.

Impact on highway safety:

The proposals will result in some intensification of the domestic use, and it is noted that there is no formal off street parking at present. However, the increase in accommodation over and above the existing would equate to a single additional bedroom. As such, whilst not ideal, the scheme is not considered to be significantly harmful in terms of highway safety. Bin storage for the dwelling would not be moved as part of the proposals. The proposals broadly comply with Policy LP22 of the Kirklees Local Plan along with Key Design Principle 15 of the House Extensions & Alterations SPD.

Other matters:

Contaminated Land

The property is close to a potential source of contaminated land. However, given the limited scale of the domestic development, it is considered to be sufficient to include a condition regarding the reporting of unexpected contamination to comply with LP53 of the KLP.

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.

There are no other matters for consideration.

Representations:

Two representations have been received, 1 is objecting & 1 in support. The material planning matters raised are summarised as follows:-

- The dormers would be out of character – **Response:** *this is a material consideration relating to visual amenity which has been addressed under the relevant section of this report.*
- Loss of privacy– **Response:** *this is a material consideration relating to residential amenity which has been addressed under the relevant section of this report.*
- Overshadowing– **Response:** *this is a material consideration relating to residential amenity which has been addressed under the relevant section of this report.*
- Noise and disturbance – **Response:** *Noise during construction is a normal part of building works and transitory in nature. A note would be added if the application were to be approved regarding hours of work.*

Although other matters such as building regulations and drainage have been raised, only material planning matters can be considered. It is also noted that one of the representations stated that the area is a conservation area and there is a listed building. This is incorrect.

Proposed conditions

None as the recommendation is for refusal.

Conclusion:

This application to erect a single storey extension to the side of 66 South Street 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 front dormer, by reason of the width and overall size, would form an incongruous and prominent feature which would be out of character with the host property and the wider street scene. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of

the House Extensions & Alterations SPD and 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 not constitute sustainable development and is therefore recommended for refusal.

Recommendation

Refuse

Decision Authorisation - Delegated Powers**Application Number:** 2024/90392**Officer Recommendation:** Refuse**Reasons for refusal**

1. The proposed front dormer, by reason of the design, width and overall size, would form an incongruous and prominent feature which would be out of character with the host property and the street scene where it is located. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extensions & Alterations SPD and Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location plan	-	1029072	20/02/2024
Existing plans	01	1029078	20/02/2024
Existing plans	02	1029077	20/02/2024
Existing plans	03	1029076	20/02/2024
Proposed plans	05	1029075	20/02/2024
Proposed plans	06	1029074	20/02/2024
Proposed plans	07	1029073	20/02/2024
Climate change statement	-	1029535	20/02/2024

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 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.

The submitted plans raised concerns in terms of the size of the front dormer. Amended plans have not been sought.

Report Dated

15/04/2024

