

**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:	2024/62/90428/E
Site Address:	27, Royd Avenue, Heckmondwike, WF16 9AJ
Description:	Erection of dormer windows to front and rear
Recommending Officer:	Elenya Jackson

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: 17-Apr-2024

OFFICER REPORT

Site Description

27, Royd Avenue, Heckmondwike, WF16 9AJ is a two storey semi-detached dwelling which currently benefits from a private rear garden. The site has a shared access with the neighbouring dwellings and is set within a cul de sac off of Scott Avenue.

The dwellings to the south west are consistent in appearance and do not feature any roof alterations. Within the cul-de-sac there are variations in the building style in terms of scale and design. There are no examples of roof alterations or extensions visible from the public realm.

The area is predominantly residential in nature and a high risk coal area.

Description of Proposal

This application has been received for the construction of dormers to the front and rear elevation of the property.

The proposal would be a box dormer to the front and rear elevation of the dwelling, those on the principal elevation would have a width of 4.6m, a height of 2.1m, 48cm above the eaves and project 3.8m. This would not be set down from the ridge of the host dwelling. The rear dormer would match

The proposal is to be finished in composite cladding.

Relevant Planning History

N/A

Representations

The application was advertised by neighbour letters, which expired on 27/03/2024

No representations were received.

Consultation Responses

No formal consultations deemed necessary

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 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

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) Negotiations
- 7) Conditions
- 8) Conclusion

1 – 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 and 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.

These issues along with other policy considerations will be addressed below.

2 –Impact on visual amenity:

Key Design Principle 1 of the House Extensions & Alterations supplementary planning document (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 HEASPD goes onto 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.

Section 5.4 of the HEASPD states that dormer extensions should:

- relate to the appearance of the house and existing roof
- be designed in style and materials similar to the appearance of the existing house and roof
- not dominate the roof or project above the ridge of the house
- be set below the ridgeline of the existing roof and within the roof plane
- be aligned with existing dormer windows on neighbouring properties in the same roof plane where relevant.

The proposal would be visible within the street scene as it relates to the principal and rear elevations of the dwelling.

The proposed dormers would feature a flat roof, would not be set down from the ridge of the existing dwelling, would be large in scale and not be reflective of the prevailing character of the area. There are no existing dormers within the street scene or immediate building group and this would be the first such extension. The design and scale of the proposed dormers would not meet the policy set out in the SPD.

The rear dormer should be set down from the ridge but is generally of a comparative scale to that which would be permitted development. However, having taken into account the scale, mass and prominent location of the front dormer, the proposed extension would dominate the host and cause harm to the visual amenity of the wider street scene, failing to comply with Policy contained in the SPD as well as Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extension would not form a subservient addition to the property or be keeping with the existing building.

3 – 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 SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light, Key Design Principle 6 on preventing overbearing impact and Key Principle 7 for outdoor space.

The proposal would be situated above the eaves of the existing dwelling and not feature any side facing windows. The rear dormer would face onto the rear garden of the application property and towards properties at the rear. It is considered to be of a distance that would not result in any loss of amenity to any occupants particularly when affording weight to the existing relationships to the rear. The front dormer would overlook open areas to the front and the street scene and continue the existing relationship with the properties. Therefore, the residential amenity of neighbouring residents would be preserved if the proposal was to receive permission.

4 – Impact on highway safety:

The proposals would marginally intensify the domestic use of the dwelling; however, the proposal would not alter parking allocation on the site and as such complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extension SPD .

5– 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.

Contaminated Land:

The proposal would not involve groundworks and therefore no contaminated land conditions are considered necessary.

6 – Representations:

No representations received.

7 – Negotiations:

N/A

8 – Proposed conditions

N/A

9 – Conclusion:

This application to erect front and rear dormers to 27, Royd Avenue, Heckmondwike, WF16 9AJ has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions and Alterations Design SPD, the National Planning Policy Framework and other material considerations. Given the unacceptable design and harm in terms of visual amenity , the proposed extension is considered to be unacceptable.

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.

As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. 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:** 2024/90428**Officer Recommendation:** REFUSE**Reason:**

1. Due to the design, scale, form and prominent location, the proposed front dormer would appear discordant, overly prominent and domineering to the host dwelling and obtrusive within the street scene. The proposal would fail to respect the character of the host dwelling and would be read as a discordant and incongruous feature within the street scene and wider area. The proposal fails to meet Kirklees Local Plan Policy LP24 in terms of the character of the host property and the criteria of the Kirklees House Extension Supplementary Planning Document paragraph 5.27 and KDP 1 & 2 in terms of the character of the area and the impact on the original house.

Plan Type	Reference	Date Received
Grouped plans and elevations proposed	2024-004-003	21.02.2024
Grouped plans and elevations existing	2024-004-002	21.02.2024
Location and site plan	2024—1--001	21.02.2024

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.

No alterations have been made since submission.