

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:	2024/62/91432/W
Site Address:	Holmeview, 1, Longden Avenue, Beaumont Park, Huddersfield, HD4 5JD
Description:	Erection of rear dormer and hip to gable roof
Recommending Officer:	Laura Yeadon

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.

John Holmes

AUTHORISED OFFICER

Date: 25-Oct-2024

Officer Report

[Website](#)

Site Description

1 Longden Avenue is a semi-detached property located within an area without notation on the Kirklees Local Plan. The property is stone fronted with a red brick side and rear elevation which historically had a single storey outrigger on the rear elevation. To the front elevation is a two-storey bay window which is replicated on the attached neighbouring property. Also, to the front of the property is a garden area with a driveway to the side leading to a detached pre-fabricated garage.

At the time of the site visit, construction works had commenced to implement permission 2021/90720 which granted permission for a two-storey rear extension and rear dormer extension.

Surrounding properties vary in terms of style and design with semi-detached and detached properties being prevalent. The properties vary in terms of being two storey properties and bungalows with varied roof forms and construction materials.

Description of Proposal

The application is for the erection of a hip to gable roof form and a rear dormer extension.

It is proposed that the existing hipped roof would be converted to a gable. The roof ridge would be an extension of the existing side elevation of the property. The overall height of the building would be as existing and it is proposed that the roofing materials would match the existing.

It is proposed that a dormer extension would be located within the rear elevation roof form of both the original roof and hip to gable roof. The dormer would be flat roofed and would be set in from both side elevations of the property by 0.3 metres. The dormer would be set up from the gutter line by 0.5 metres and set down from the roof ridge by 0.3 metres.

No details have been submitted with regards to the proposed construction materials other than tiles for the roof to match the existing.

It is noted that permitted development rights were removed for certain forms of development as part of the 2021/90720 decision, this includes development for extensions, outbuildings and enlargements to the roof. The reason for this was cited as avoid overdevelopment of the site and retain any future extension combined with existing extensions as subservient additions to the host property. It is noted this condition creates a requirement that development that would

otherwise be 'pd' to be subject to an application for planning permission by the LPA.

The assessment of this proposal takes account of the planning history of the site.

History of negotiations/amendments received

No negotiations have taken place with the applicant/agent due to the application being acceptable in its submitted format.

Relevant Planning History

2021/90720 Erection of two storey rear extension, rear dormer and relocation of existing garage

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 5th July 2024

Parish/ Town Council – not applicable

As a result of the public consultation period two responses received however these appear to be a duplicate. The following is a summary of concerns raised:

- Previously submitted plans were amended due to being overdevelopment and the host property becoming subservient
- Previous application sought changes to the proposed plans so reduce impact on neighbours
- Previous Officer Report noted objections to loss of light and overdevelopment
- Previous Officer Report noted that the proposal was now deemed acceptable and that the revised plans would not unduly affect the adjacent property from the projection of the rear extension with regard to being overbearing or overshadowing
- Latest proposal are now applying for the same increase in floor area and the same large sized dormer which is same as previous rejected proposal
- Not considered to be subservient
- Apparent that the proposals are now more prominent than the host building and that the original build of a 2 bed with box room semi has been superseded by a grander proportioned 3 double bedroom home with larger living accommodation

- Cannot comprehend why the extension is required when the proposal indicates a storage room to replace loft storage and a loft bedroom to become a study
- Object to latest application due to overlooking (higher sill level larger openings will look straight into side windows; suspected loss of light to adjacent properties; suspected loss of light for adjacent properties; overshadowing and overbearing of adjacent properties; overdevelopment as the host property is subservient to the combined extensions
- Garage has been given planning permission to move further away towards the boundary however damage is being caused

Consultation Responses

None required

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 without notation on the Kirklees Local Plan however is within a 'bat alert' layer within the Kirklees Local Plan and is also within an area of low risk from former coal mining activity.

Kirklees Local Plan:

- **LP 1**– Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways safety
- **LP 22** - Parking
- **LP 24** – Design
- **LP 30** - Biodiversity and geodiversity
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 53** – Contaminated and unstable land

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 20th December 2023, 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 2 – Achieving sustainable development
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding & coastal change.
- Chapter 15 – Conserving and enhancing the natural environment

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 other key designs 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 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

Paragraphs 5.24, 5.25, 5.26 and 5.27 of the House Extension SPD relate to the provision of dormers. 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. They should:

- Relate to the appearance of the house and existing roof;
- Be designed in style and materials 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; and
- Be aligned with existing dormer windows on neighbouring properties in the same roof plane where relevant.

The above listed policies and guidance within the House Extensions and Alterations SPD are taken into account within the ‘Impact on Visual Amenity’ and ‘Impact on Residential Amenity’ sections of this report.

2 – Impact on visual amenity:

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. Key Design Principles 1 and 2 of the Council’s adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek 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.

In terms of this proposal, it is noted that there was a previous application at this property which sought amendments from its original form including the omission of a hip to gable extension, dormer extension and a reduction to the projection of the two storey rear extension. The proposed two storey extension is included on the submitted details, as approved with a 3 metre projection however does not form part of this assessment and is not included on the description of development. Works to construct the extension have commenced on site.

In terms of this proposal for the hip to gable roof form, it is noted that the principle of changing the roof from a hip to a gabled roof can be completed without the requirement of planning permission, subject to conditions. This same principle applies to dormer extensions. As part of the previous approval, permitted development rights were removed for permitted development rights under classes A (extensions), B (roof additions) and E (outbuildings).

However, in this case, as the roof of the two-storey extension joins the proposed dormer extension, planning permission is required for the proposed works.

The street scene is characterised by both semi-detached and detached properties of varying styles and designs. Aerial photographs demonstrate that there are a mixture of hipped and pitched roofs within the street scene and therefore, it is not considered that the hip to gable roof form would cause undue harm to the street scene, given the mix that there currently is within the street. Therefore complying with KDP1 of the SPD.

In terms of the impact of the rear dormer extension, whilst spanning across both the existing and proposed roof form, the dormer would be set up from the gutter line, down from the ridge and be set in from the side elevations of the roof. There would be limited impact from the works from public vantage points and therefore this is also considered acceptable from a visual amenity perspective.

Concerns were raised as part of the previous application and that the works originally proposed would result in an overdevelopment of the plot. Whilst this is noted and acknowledged, in this case, permission is required in any event due to the roof of the two storey extension tying into the dormer. A small alteration to the roof form of this extension would result in the dormer and hip to gable roof form potentially being of a design and scale that would not requiring an application for planning permission.

Furthermore, whilst the reason and requirement of condition 5 of permission 2021/90720 is noted, it is noted that the adjoining property has been extended, in a form which does not see a set down at the roof level and has seen a gable feature to the front of this property. As such it is considered that in this case extending the roof in the manner proposed would not have a significant impact visually and is considered to be acceptable in this case, having regard to the planning history of the site and inclusion of condition no.5.

The cumulative works are considered to be suitably subservient given the level of projection of the two-storey extension and the extent, form and design of the works, having regard to all the above it is not considered that there would be sufficient grounds to justify refusal of the scheme on visual grounds in this case. Conditions to ensure the materials of construction / colour finishes of the development suitably integrate with the locality / host property are recommended to be included.

Subject to condition the extensions are therefore considered to relate satisfactorily to the host building and have an acceptable impact on visual amenity, in accordance with the requirements of policies LP1, LP2 & LP24 of the Kirklees Local Plan, having regard to principles 1, 2, 7 and 9 of the Supplementary Planning Document on House Extensions (SPD) and policies within Chapter 12 of the National Planning Policy Framework.

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.

In terms of overlooking from the proposed works, roof lights are proposed within the front elevation roof slope with a window within the rear dormer extension, The front elevation roof lights do not require planning permission and the window in the dormer within the rear roof slope would not decrease any established separation distances from the original rear elevation. As such, it is not considered that there would be undue harm from overlooking.

In terms of overshadowing and/or being overbearing, the closest property to the proposed works would be to the flats to the east of the site whereby first floor windows are located. The structure of the application property would not decrease established separation distances between the properties. Whilst the roof form of the extension would increase the bulk of the property, given that the first floor windows would be set back from the shared boundary at the flats are at a slightly lower ground level to the application site, it is not considered that the proposed works would cause undue harm to this property.

Therefore, it is therefore considered that the proposed roof extensions are acceptable in terms of residential amenity. It is considered there will be no significant impact on neighbouring properties, in terms of overshadowing, overbearing or overlooking, and the proposal would accord with the aims of policies LP1, LP2 & LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & 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 the submitted plans indicate that whilst being extended, the resultant bedroom accommodation would be reduced from 4 no. bedrooms to 3 no. bedrooms. The SPD states that 2 to 3 bedrooms properties require a minimum of 2 off-street parking spaces and 4 no. bedroom dwellings require 3 off-street parking spaces.

The submitted plans demonstrate that 3 no parking spaces can be accommodated within the site which exceeds the requirement of the SPD and therefore, the proposal is acceptable, subject to the imposition of a condition in relation to the parking space to being created to the front of the property being a permeable surface,

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 pre-dates 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 demonstrates appropriate mitigation measures which are proportionate to the size of the proposed development.

Biodiversity – Paragraphs 180, 186, 187 and 188 of 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. This is due to the fact that albeit the extension will connect into the existing roof, the property in this case appears to be well sealed and maintained with little opportunity for bats.

However, as a cautionary measure, and to ensure accordance with the aims of Chapter 15 of the National Planning Policy Framework, a footnote shall be attached to the permission setting out that, should any bats be found using the building then works must cease and appropriate advice sought.

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 paragraphs 186 and 191 of the National Planning Policy Framework.

6 – Representations:

Two responses have been received however these appear to be a duplicate. The following is a summary of concerns raised:

- Initial plans rejected due to being overdevelopment and the host property becoming subservient

Response - this has been addressed in the above assessment

- Previous application sought changes to the proposed plans so reduce impact on neighbours

Response – noted, the planning history is taken into account as a consideration which is material to the determination of this case.

- Previous Officer Report noted objections to loss of light and overdevelopment

Response – noted, the planning history is taken into account as a consideration which is material to the determination of this case.

- Previous Officer Report noted that the proposal was now deemed acceptable and that the revised plans would not unduly affect the adjacent property from the projection of the rear extension with regard to being overbearing or overshadowing

Response – noted, the planning history is taken into account as a consideration which is material to the determination of this case.

- Latest proposal are now applying for the same increase in floor area and the same large sized dormer which is same as previous rejected proposal

Response – this has been addressed in the above assessment. It should be noted the previously amended scheme reduced the scale of the rear extension in addition to other amendments. This proposal is considered in light of the impact having regard to planning history of the site.

- Not considered to be subservient

Response – this has been addressed in the above assessment

- Apparent that the proposals are now more prominent than the host building and that the original build of a 2 bed with box room semi has been superseded by a grander proportioned 3 double bedroom home with larger living accommodation

Response – Noted, the extent of the development proposal and impact in light of relevant material considerations is considered within the Assessment section of this report.

- Cannot comprehend why the extension is required when the proposal indicates a storage room to replace loft storage and a loft bedroom to become a study

Response – the need for proposed development is not considered to be a material planning consideration to which significant weight can be afforded in the consideration of this application.

- Object to latest application due to overlooking (higher sill level larger openings will look straight into side windows; suspected loss of light to adjacent properties; suspected loss of light for adjacent properties; overshadowing and overbearing of adjacent properties; overdevelopment as the host property is subservient to the combined extensions

Response – The proposed works have been assessed in light of these considerations within the above assessment.

- Garage has been given planning permission to move further away towards the boundary however damage is being caused

Response – Matters relating to the garage do not form part of this proposal, and this consideration cannot be afforded significant weight in the determination of this application.

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 would constitute sustainable development and is therefore recommended for approval.

Recommendation

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2024/91432

Officer Recommendation: Approve

Conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

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 Policies LP1, LP2, LP6, LP21, LP22, LP24, LP30, LP51 and LP53 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 5, 6, 7, 9, 12, 15, 16 and 17 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations and to accord with Policies within Chapters 2, 12, 14 and 15 of the National Planning Policy Framework.

3. The external walls and roofing materials of the hip to gable extension and dormer extension hereby approved shall in all respects match those used in the construction of the existing building and be retained thereafter.

Reason: In the interests of visual amenity and to accord with Policies LP1, LP2 and LP24 of the Kirklees Local Plan, Key Design Principles 1, 2 and 9 of the

House Extensions and Alterations SPD and advice within the National Planning Policy Framework.

4. The development shall not be brought into use until all areas indicated to be used for parking on the submitted plans have been laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for the use specified on the submitted plans for the lifetime of the development.

Reason: To ensure adequate space within the site for vehicle parking and in accordance and to ensure adequate drainage of surface water within the site in accordance with Policy LP24 of the Kirklees Local Plan, Key Design Principle 15 of the House Extensions and Alterations SPD and advice within the National Planning Policy Framework.

NOTE: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists, or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: The Council's GIS system indicates that the property is within a bat roost area and may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan, site plan, existing and proposed elevations and floor plans	2406/01		21 st May 2024
Climate Change Statement	Appendix		29 th May 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.

The Case Officer did not undertake any negotiations with the applicant due to the application being acceptable in its submitted format.

Report Dated: 25th October 2024

Coal – low