

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:	2024/62/92645/E
Site Address:	23, Oldroyd Way, Dewsbury, WF13 2JJ
Description:	Raising roof height and associated external alterations to enable a loft conversion
Recommending Officer:	Nicole Helliwell

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 21-Nov-2024

Officer Report

Reference No. 2024/62/92645/E

Site Address: 23, Oldroyd Way, Dewsbury, WF13 2JJ

Proposal: Raising roof height and associated external alterations to enable a loft conversion

Site Description

The application relates to 23 Oldroyd Way, a two-storey detached property located in Dewsbury. The dwelling is predominately faced in red brick and is partially rendered to the front and incorporates a dual-pitched roof finished in concrete tiles. The neighbouring properties are of residential use and comprise two storey dwellings of similar materials and architectural styles. The site is not within a conservation area, nor are there any listed buildings or Public Rights of Way (PROW) within close proximity to the site.

Description of Proposal

The application seeks planning permission to raise the roof height of the dwelling and undertake associated external alterations to enable a loft conversion. The existing plans display a number of extensions and alterations which have not yet been constructed. However, these have been approved under planning application reference no. 2023/93114 and do not form part of the current application. The details of the proposal have been summarised below:

- Increase the roof height of the dwelling by 1m to create additional accommodation within the loft.
- Increase the height of the approved single storey rear extension by 0.2m
- Installation of velux windows within the north, east, west and south facing roof plane.
- Installation of window within the south-facing elevation of the dwelling.

Relevant Planning History

- **2024/91527:** Discharge condition 5 (Arboricultural Method Statement) on previous permission 2023/93114 for erection of two storey extensions, part single storey/part two storey rear extension and associated alterations

- following demolition of existing conservatory and garage. [Planning application details | Kirklees Council](#) – Discharge of Condition(s) Approved
- **2024/90578:** Work to TPO(s) 06/92. [Planning application details | Kirklees Council](#) – Granted
 - **2023/93114:** Erection of two storey extensions, part single storey/part two storey rear extension and associated alterations following demolition of existing conservatory and garage. [Planning application details | Kirklees Council](#) – Conditional Full Permission
 - **96/93677:** Erection of 13 no. Detached dwellings with garages (plots 84-92 house type substitution). [Planning application details | Kirklees Council](#) – Conditional Full Permission
 - **94/93754:** Erection of 4 no. Additional detached dwellings. [Planning application details | Kirklees Council](#) – Conditional Full Permission
 - **93/05910:** Erection of 87 no dwellings with garages (alternative proposal). [Planning application details | Kirklees Council](#) – Conditional Full Permission
 - **93/05909:** Erection of 87 no dwellings with garages. [Planning application details | Kirklees Council](#) – Conditional Full Permission
 - **86/04998:** Outline application for mentally Handicapped Day Unit. [Planning application details | Kirklees Council](#) – Objections Raised

Representations

The application was publicised by neighbour notification letters, which expired on 15th November 2024. As a result of the above publicity, two representations have been received. The comments made have been summarised below:

- The increased building height will not be in keeping with adjacent properties, and will stand out as such.
- The proposals indicate that the existing property is being overdeveloped and will seriously affect the character of the area.
- There is a potential safety issue here, the additional bedrooms will add additional people and thus increase the vehicular traffic to and from the building via an already small entrance drive and turning circle.
- The increased height will add further to the loss of light to adjacent properties ,the light loss is already evident with the current building progress being made so far.
- Additional dormer and gable windows to the bedrooms on the third storey will allow further visual intrusion to adjacent properties.
- The current building progress to date indicates that this is already an unacceptable imposing development
- We are already significantly impacted by the construction taking place.
- Despite all the objections and concerns raised by us and our neighbours during the previous planning application, permission for this extension was granted without taking any comments into consideration.

- Despite objections raised during the last planning application, permission was granted without addressing our concerns. The current extension is making the situation even worse.
- The driveway of house number 23 is very narrow, barely sufficient for a small car.
- Whenever construction materials are delivered, the driveways for both neighbouring houses get blocked. Despite such a large extension project, no skip has been placed, causing damage to our cars and driveways due to debris and dirt. With an even larger extension planned, this issue will only worsen.
- We are directly affected by this large three-storey construction. For the past several months, builders working at elevated heights have compromised our privacy. We are unable to open our blinds and curtains and couldn't use our garden this summer due to constant visual intrusion, making it impossible to enjoy our outdoor space.
- Construction work continues throughout the week, including weekends, from 8am to 7pm. Even on Sundays, the homeowner spends the day loading debris into his car, subjecting us to continuous noise and the comings and goings of vehicles.
- If permission for a third floor is granted, we will permanently lose natural light to one side of our property.
- Our garden and that of house number 23 already receive limited natural light due to dense, old preserve/listed trees. If dormer and gable windows facing the front are approved, we will never be able to open our living room and bedroom curtains due to direct privacy intrusion.
- Before this construction, Oldroyd Way was a very quiet cul-de-sac. The current project has severely impacted my health and privacy, making me feel confined within my own home.
- For the past 20 years, I lived here peacefully, but authorities have forced this extension upon us, disrupting the tranquillity of the neighbourhood and negatively affecting the surrounding residents.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the 'Assessment' section of the report, where appropriate):

KC Trees – No objection

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. The most relevant policies for consideration in this case are:

Kirklees Local Plan Policies

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 21** - Highways and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 30** - Biodiversity and Geodiversity
- **LP 33** - Trees
- **LP 52** - Protection and Improvement of Environmental Quality

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.

In this case, the following SPDs are applicable:

- Highways Design Guide SPD (adopted 4th November 2019)
- Biodiversity Net Gain Technical Advice Note (adopted 29th June 2021)
- House Extensions and Alterations SPD (adopted 29th June 2021)

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 July 2021, 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 and Coastal Change
- **Chapter 15** - Conserving and Enhancing the Natural Environment

Assessment

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 on the application site is considered acceptable, and shall be assessed against other material planning considerations, including visual and residential amenity, as well as highway safety.

1. 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 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.

Roof Alterations

The submitted plans confirm that roof alterations would be undertaken to provide living accommodation within the loft. It is noted that the overall height of the property would increase by approximately 1m and the height of the approved single storey rear extension would increase by 0.2m. Although the proposed works would alter the appearance of the dwelling, it is considered that the resultant dwelling would not appear discordant and would sit comfortably within the existing street scene and against the neighbouring properties. On this basis, it is considered that proposed roof alterations would be acceptable from a visual amenity perspective.

Alterations to Fenestration

It is noted that a new window would be installed within the south-facing elevation of the dwelling. Given that the fenestration would be appropriately designed and would be in keeping with the style of the original build, it is considered that the proposed alterations would not have any significant visual impact on the character and appearance of the host property and surrounding area.

Velux Windows

The submitted plans confirm that velux windows would be installed within the north, east, west and south facing roof planes of the dwelling. Given that the

roof lights proposed would be of an appropriate design and scale, they are considered to respect the appearance and character of the host property and surrounding area.

Summary

Having taken the above into account, the proposed development would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan, KDP 1 & 2 of the Kirklees House Extensions and Alterations Supplementary Planning Document and the aims of Chapter 12 of the National Planning Policy Framework.

2. 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 submitted plans confirm that no properties located to the north, east and south of the application site would be affected by the proposed development.

Impact on 21 Oldroyd Way

21 Oldroyd Way is a residential property situated west of the application site. It is noted that the overall height of the host property would increase by approximately 1m to provide additional accommodation within the loft. However, it is considered that there would be no significant detrimental impact on the neighbour's residential amenity given that the neighbouring property occupies a position on higher ground. Furthermore, due to the angled position of the velux windows, it is considered that there would be no undue harm to the neighbour's residential amenity with regards to overlooking.

Occupier Amenity

The plans confirm that sufficient outdoor amenity space of a functional layout would be retained at the site. Therefore, the proposed works would ensure an acceptable standard of amenity for existing and future occupants.

Summary

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 and Alterations SPD and Paragraph 135(f) of the National Planning Policy Framework.

3. Impact on Highway Safety

Local Plan Policies LP21 and LP22 of the Kirklees Local Plan are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Furthermore, Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The resultant dwelling would contain four bedrooms. Although the submitted site plan demonstrates that the driveway could accommodate two vehicles, it is noted that there would be sufficient off street parking available on site for 3 vehicles, which would represent a sufficient provision for a four bedroomed dwellinghouse. Therefore, the proposal is considered acceptable in accordance with Policies LP21 and LP22 of the KLP, Chapter 9 of the NPPF, Principles 15 and 16 of the Kirklees House Extensions and Alterations SPD and the Highways Design Guide SPD.

4. 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.

Biodiversity

Whilst the site is located in an area identified as being within a 'bat alert' layer on the Council's GIS mapping system, in this instance, the nature of the works is considered unlikely to have a detrimental impact on the bat population. However, a footnote will be added to the decision notice to provide the applicant with advice should bats or bat roosts be found during construction. This would accord with the aims of Policy LP30 of the Kirklees Local Plan, the Council's Biodiversity Net Gain Technical Advice Note, and Chapter 15 of the National Planning Policy Framework.

Protected Trees

It is not clear as to whether any tree works would be required to facilitate this proposal. Providing there is no intended tree works, the alterations should have no direct impact on the surrounding trees. There may be an indirect impact in the sense that, due to the positioning, the adding of velux windows may be cast

in shade for a portion of the day. Although this could result in future pressure to prune the surrounding trees to allow more light, this can be managed through Tree works applications. However, any Tree works applications are likely to be refused unless the work is arboriculturally necessary. Therefore, KC Trees have raised no objection to the application, providing that pruning is not undertaken to facilitate the proposals.

There are no other matters relevant to the determination of this application.

5. Representations

Two representation were received following the statutory publicity. The comments made have been summarised and addressed below:

- The increased building height will not be in keeping with adjacent properties, and will stand out as such.

Response: *The proposal's potential impact on the appearance and character of the street scene has been assessed within the 'visual amenity' section of the report.*

- The proposals indicate that the existing property is being overdeveloped and will seriously affect the character of the area.

Response: *The proposals potential impact on the appearance and character of the street scene has been assessed within the 'visual amenity' section of the report.*

- There is a potential safety issue here, the additional bedrooms will add additional people and thus increase the vehicular traffic to and from the building via an already small entrance drive and turning circle.

Response: *The proposal's potential impact on the highway network has been assessed within the 'Highway Safety' section of the report.*

- The increased height will add further to the loss of light to adjacent properties ,the light loss is already evident with the current building progress being made so far.

Response: *The proposal's potential impact to the neighbouring properties has been assessed within the 'Residential Amenity' section of the report.*

- Additional dormer and gable windows to the bedrooms on the third storey will allow further visual intrusion to adjacent properties.

Response: *The proposal's potential impact to the neighbouring properties has been assessed within the 'Residential Amenity' section of the report.*

- The current building progress to date indicates that this is already an unacceptable imposing development.

Response: The proposal's potential impact to the neighbouring properties has been assessed within the 'Residential Amenity' section of the report.

- We are already significantly impacted by the construction taking place.
Response: Impacts from construction are temporary and are not material planning considerations.
- Despite all the objections and concerns raised by us and our neighbours during the previous planning application, permission for this extension was granted without taking any comments into consideration.
Response: All representations received in relation to the previous planning application were addressed within the 'Representation' section of the respective officer report.
- Despite objections raised during the last planning application, permission was granted without addressing our concerns. The current extension is making the situation even worse.
Response: All representations received in relation to the previous planning application were addressed within the 'Representation' section of the respective officer report.
- The driveway of house number 23 is very narrow, barely sufficient for a small car.
Response: The proposal's potential impact on the highway network has been assessed within the 'Highway Safety' section of the report.
- Whenever construction materials are delivered, the driveways for both neighbouring houses get blocked. Despite such a large extension project, no skip has been placed, causing damage to our cars and driveways due to debris and dirt. With an even larger extension planned, this issue will only worsen.
Response: Impacts from construction are temporary and are not material planning considerations.
- We are directly affected by this large three-storey construction. For the past several months, builders working at elevated heights have compromised our privacy. We are unable to open our blinds and curtains and couldn't use our garden this summer due to constant visual intrusion, making it impossible to enjoy our outdoor space.
Response: Impacts from construction are temporary and are not material planning considerations.

Construction work continues throughout the week, including weekends, from 8am to 7pm. Even on Sundays, the homeowner spends the day

loading debris into his car, subjecting us to continuous noise and the comings and goings of vehicles.

Response: *Impacts from construction are temporary and are not material planning considerations. However, a footnote is recommended relating to hours of construction and KC Environmental have powers under separate legislation.*

- If permission for a third floor is granted, we will permanently lose natural light to one side of our property.

Response: *The proposal's potential impact to the neighbouring properties has been assessed within the 'Residential Amenity' section of the report.*

- Our garden and that of house number 23 already receive limited natural light due to dense, old preserve/listed trees. If dormer and gable windows facing the front are approved, we will never be able to open our living room and bedroom curtains due to direct privacy intrusion.

Response: *The proposal's potential impact to the neighbouring properties has been assessed within the 'Residential Amenity' section of the report.*

- Before this construction, Oldroyd Way was a very quiet cul-de-sac. The current project has severely impacted my health and privacy, making me feel confined within my own home.

Response: *The proposal's potential impact to the neighbouring properties has been assessed within the 'Residential Amenity' section of the report.*

- For the past 20 years, I lived here peacefully, but authorities have forced this extension upon us, disrupting the tranquillity of the neighbourhood and negatively affecting the surrounding residents.

Response: *The proposal's potential impact to the neighbouring properties has been assessed within the 'Residential Amenity' section of the report.*

6. Negotiations

No amendments were sought or received during the course of the application.

7. Conclusion

This application for the raising roof height and associated external alterations to enable a loft conversion at 23 Oldroyd Way has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions and Alterations SPD, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed development is considered to be acceptable.

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: 2024/92645

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 to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24, LP30, LP33 and LP52 of the Kirklees Local Plan, Key Design Principles 1 & 2 of the House Extensions and Alterations SPD and the aims of the National Planning Policy Framework.

3. The alterations hereby approved shall in all respects match those used in the construction of the existing building and retained thereafter.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles 1 & 2 of the House Extensions and

Alterations SPD and the aims of Chapter 12 of the National Planning Policy Framework.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: Due to its location, a bat roost 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 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.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours, Mondays to Fridays
- 08.00 and 13.00hours, Saturdays
- With no working Sundays or Public Holidays

In some cases, different site-specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule: -

Plan Type	Reference	Revision	Date Received
Location Plan	PP-12513239v1	-	16/09/2024
Proposed Site Plan	A101	00	16/09/2024
As Approved Ground Floor Plan	A102	00	16/09/2024
As Approved First Floor Plan	A102	00	16/09/2024
As Approved North Side Elevation	A103	00	16/09/2024
As Approved South Side Elevation	A103	00	16/09/2024
As Approved West Side Elevation	A106	00	16/09/2024

Plan Type	Reference	Revision	Date Received
As Approved East Side Elevation	A113	01	16/09/2024
Proposed First Floor Plan	A109	-	16/09/2024
Proposed Loft Plan	A110	-	16/09/2024
Proposed North Side Elevation	A111	-	16/09/2024
Proposed South Side Elevation	A112	-	24/10/2024
Proposed West Side Elevation	A113	-	16/09/2024
Proposed East Side Elevation	A114	-	16/09/2024
As Approved Site Plan	A114	-	16/09/2024
Climate Change Statement	-	-	16/09/2024

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. In this case, the design of the original scheme has been found acceptable. No further amendments or details were sought thereafter.

Report Dated: 12/11/2024