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:	**2024/62/93372/W**
Site Address:	13, Thornhill Road, Edgerton, Huddersfield, HD3 3DD
Description:	Erection of rear dormer extension (within a Conservation Area)
Recommending Officer:	Joanna Rednall

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.

John Holmes

AUTHORISED OFFICER

Date: 27-Feb-2025

The Site

13, Thornhill Road is an early 20th century semi-detached dwelling located in Edgerton Conservation Area. The property is set back from the pavement and benefits from a driveway and detached garage to the front and a large lawned garden to the rear. The property is located within a wider residential area where surrounding properties are similar in terms of design and architectural features.

The Proposal

The applicant is seeking planning permission for erection of rear dormer.

The measurement of the rear dormer are as follows:

- 2.3 metres in height
- 7.3 metres in width
- 3.3 metres in projection

The dormer is designed with a flat roof finished in grey tiles and the exterior walls would be finished in natural stone with white upvc windows.

Internally, the dormer would serve a bedroom and a lounge.

History of Negotiations

Following the consultation response from KC Conservation and Design, the applicant's agent was informed the application would not be supportable in its current form due to the less than substantial harm to the Conservation Area resulting from the development. The applicant's agent has submitted revised plans with the side dormer removed and the application has been progressed to determination on the basis of these.

Planning History

There is no planning history for the site which is considered relevant to the current proposal.

Publicity & Representations

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, this application has been publicised via neighbour notification letters, a site notice and a press notice.

Final publicity date expired: 16th January 2025

The amended plans were not re-publicised as these did not fundamentally change the development applied for; the description of development was altered as the side dormer has been removed.

6 letters (which includes hand-written letters, e-mails and on-line representations) of representation have been received. These are summarised as follows:-

Letters of objection

- Amended plans were received 3 days before the end of the consultation period.
  Officer response: Noted. This application has been advertised in accordance with the Council's Development Management Charter, the amended plans were not re-advertised as these did not fundamentally change the development applied for.

- The development would be out of keeping with the locality of the area.
  Officer response: Noted. The impact upon visual amenity has been assessed under Section 2 of this report.

- The development would not be in keeping with the setting of the Conservation Area
  Officer response: Noted. The Council's Conservation team have been consulted on the proposal and their comments can be found under the 'Consultations' section of this report.

- Loss of privacy

- Devaluation of neighbouring properties

- The materials are not in keeping with the property or any neighbouring properties

Officer response: Noted. The impact upon visual amenity has been assessed under Section 2 of this report.

- Noise and disruption during the construction of the dormers.
- Damage during the construction process/ party wall

Consultations

KC Conservation & Design: The roofscape is predominantly interrupted in terms of modern dormer additions and non-original dormers are not a common feature on houses in this area. It is considered that the size, style, location and materials of the proposed dormer as submitted would harm the character and appearance of the conservation area and are unconvinced that the less than substantial harm that would be caused is outweighed by the required public benefits. There is insufficient clear and convincing justification for this and so in line with national and local heritage policies, and in order to preserve the character and appearance of the conservation area, are unsupportive of the application.

Allocation & Policies

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).

Local guidance and policy is provided by the Kirklees Local Plan (adopted February 2019) as such the following policy, guidance and legislation is considered relevant to the determination of this application:-

Kirklees Local Plan (LP)

LP1 Achieving Sustainable Development
LP2 Place Shaping
LP21 Highway Safety
LP22 Parking Provision
LP24 Design
LP30 Biodiversity
LP35 Historic Environment

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 12th December 2024, 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. Considered to be of relevance to the consideration of this application are policies within the following chapters: -

Chapter 2 – Achieving sustainable development
Chapter 9 – Promoting sustainable transport
Chapter 12 – Achieving well-designed places
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
Chapter16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

House Extensions and Alterations SPD (June 2021)

Legislation

The Town & Country Planning Act 1990 (as amended).

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character of appearance of Conservation Areas.

Assessment

The following matters are considered in the assessment below –

1. Principle of development
2. Impact upon visual amenity
3. Impact upon residential amenity
4. Impact upon highway safety
5. Other matters
6. Conclusion

1 – Principle of development:

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 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that "good design should be at the core of all proposals in the district".

The application site is also located within the Edgerton Conservation Area. Section 72 of the Listed Buildings & Conservation Areas Act (1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area. This is also mirrored in Chapter 16 of the National Planning Policy Framework and LP35 of the Kirklees Local Plan.

In this case, the principle of development on the application site could potentially be acceptable subject to its assessment against all other material planning considerations, including design, visual and residential amenity, impact upon heritage assets as well as highway safety. These issues along with other policy considerations will be addressed below.

2 – Impact upon visual amenity and Historic Environment

Policy LP24 (Design) of the Council's adopted Local Plan sets out that proposals should promote good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers. Paragraph 135 of the NPPF is also of relevance to the consideration of this application.

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.

Section 5.27 of the Councils SPD relates to dormer extensions and sets out the following guidance:

5.27 Dormer windows 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; and*
- *be aligned with existing dormer windows on neighbouring properties in the same roof plane where relevant.*

Paragraph 131 of the NPPF outlines that development should be sympathetic to local character and history, including the surrounding built environment and landscape setting. Furthermore, Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring the form, scale, layout, and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details.

Paragraph 203 of the NPPF is also of relevance and states that in determining applications, local planning authorities should take account of:

a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness.

LP35 of the Kirklees Local Plan requires development proposals affecting the conservation area to preserve or enhance its significance, retaining those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensuring that proposals maintain and reinforce local distinctiveness.

In terms of the dormer proposed under this application, the extension would span almost the entirety of the roof plane and would project beyond the roof

plane of the host roof. While it would be set back from the eaves of the property, this would not be sufficient to form a subservient extension to the host and would result in a cluttered and top-heavy appearance contrary to LP24a or c.

The proposed roof style is proposed to be a flat roof dormer. Although dormers are not present within the immediate vicinity, the proposed flat roof style is unsympathetic to the area suiting more modern style builds. Given the historic setting, a smaller gable or hipped style has the potential to be appropriate in relation to the style of local roofs. However, the impact of the proposed roof style is reduced given it is to be constructed on the rear elevation.

Notwithstanding this, given the design and the hipped roof style, it would remain visible from public vantage points to the front of the host property and would be highly visible from other residential property gardens and wider area. Although the scale of development has been reduced from that initially proposed as the side dormer has been removed from the application, this reduction is not considered sufficient to overcome the visual harm of the scale and design of the rear dormer proposed.

Considering the wider locality, the roofscape is typically uninterrupted by dormers except the two side dormers within the side roof slopes of No.18. However, there is no planning history at this site for side dormers and when looking at aerial imagery they have been present since the early 2000s, therefore given the absence of planning permission and time elapsed officers do not afford significant weight to the presence of these dormers as a material consideration which outweighs the identified harm.

In terms of the impact to the character of the conservation area, the dormer would be visible from Thornhill Road whilst viewing the Conservation Area as it would extend beyond the hipped roof plane above the application property. As the dormer is visible and deemed to be visually detrimental to the host building and surrounding dwellings, the extension will result in harm to the character of the conservation area. Consequently, the concerns raised by KC Conservation have been slightly improved as the scale and massing of development proposed has been reduced. However, concerns relating to the impact of the design would have on the conservation area have not been fully addressed and would result in less than substantial harm to the character and appearance of the Edgerton Conservation Area.

At paragraphs 212 – 216 the NPPF is clear, that where development leads to substantial harm, it is necessary to achieve substantial public benefits that outweigh that harm or, in the case of less than substantial harm, this should be weight against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In this case no public benefits have been put

forward, or are considered to exist more generally, that would outweigh the less than substantial harm of the proposed development.

For these reasons, the proposal would fail to comply with the aims of Policies LP24 and LP35 of the Kirklees Local Plan, Chapter 5.4 of the House Extensions and Alterations SPD, Chapter 12 and 16 of the National Planning Policy Framework and the Planning (Listed Buildings and Conservation Areas) Act 1990.

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.

The House Extensions and Alterations SPD sets out a number of designs principles which will need to be considered when assessing a proposal's impact on residential amenity, which state:

- Principle 3 – that: *"extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours".*
- Principle 4 – that: *"extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light and outlook."*
- Principle 5 – that: *"extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property".*
- Principle 6 – that: *"extensions and alterations should not unduly reduce the outlook from a neighbouring property."*

The properties potentially affected by the proposed development are those which directly neighbour the site, these being:

11, Thornhill Road

No.11 is to the north of the application site and is the adjoining property. In terms of privacy and overlooking, the dormers would result in additional windows on the rear elevation of No.13 and would essentially create a third

storey to the rear. However, given the existing relationship, this addition is not considered to result in a detrimental loss of privacy to occupiers of No.11. The dormer will not project past the eaves of the building, therefore it will not create a significant overshadowing or overbearing impact given the height level of the structure.

15, Thornhill Road

No.15 is a two-storey detached dwelling located directly south of the application dwelling approximately 7 metres away. As the proposed works are set up within the rear roof slope of the dwelling, there would be no significant impact on the amenities of the occupiers of the adjacent dwelling with regards to overbearing, overshadowing or overlooking.

Properties to the rear on Sunnybank Road are approximately 65 metres from the rear elevation of No.13. Given the substantial separation between the properties, the roof alterations have no significant impact in terms of overbearing, overlooking or overshadowing. As the development is restricted to the rear roof slope, the development is not considered to impact the amenity of neighbouring dwellings opposite on Thornhill Road.

It is therefore considered that in terms of residential amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the adopted House Extensions and Alterations SPD, and advice within Chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan and policies within chapter 9 of the NPPF 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.

The proposed development would increase the number of bedrooms on site, taking the total number from 4 to 5. The Council's adopted SPD recommends for a dwelling of over 4 bedrooms to provide 3 off-street parking spaces, and the parking area to the front and side of the property would be retained as a result of the development. This area is already hard surfaced and there is no impediment to its use.The proposal does not propose any changes highway access. It is therefore considered that the proposal is acceptable in relation to highway safety.

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.

It is therefore considered that in terms of access and highway safety / parking the proposed would comply with Policies LP21 and LP22 of the Kirklees Local Plan, principle 15 of the Council's Street Design Guide and chapter 9 of the National Planning Policy Framework.

5 – Other matters:

Ecology

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. Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest, and therefore considered unlikely that the proposals would have an impact on the bat population. An informative has been provided however, making the applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.

Climate Change

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.

Considering the modest nature of the proposed development, it is considered that the proposed development would not have an impact on climate change

that needs mitigation to address the climate change emergency. A Climate Change statement has been submitted with this application.

Representations

Insofar as they are not addressed elsewhere within this report, the representations received in relation to the proposed development are addressed here:

- Loss of privacy

Officer response: This is addressed within section 3 of this report.

- Devaluation of neighbouring properties
  Officer response: Noted. The impact upon property values is a consideration which is afforded minimal weight in the determination of this application.

- Noise and disruption during the construction of the dormers.
  Officer response: This is a consideration that is afforded minimal weight in the determination of this application taking account of the scale of the development proposal.

- Damage during the construction process/ party wall
  Officer response: Noted, however, this would be a civil legal matter should any damage be incurred during the construction process and it would be unreasonable of the LPA to refuse permission on such a basis.

6 – 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. 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: 2024/93372

Officer Recommendation: Refuse

Reason:

1. The proposed rear dormer by reason of its prominence, scale and flat roof design, would form an incongruous addition to the host dwelling, having a harmful impact upon the visual amenities of the host property, wider locality and the character of the Edgerton Conservation Area. The development would lead to less than substantial harm for which no public benefit have been demonstrated or are considered to exist more generally. The development is therefore contrary to the Council's duties under the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies LP24 and LP35 of the Kirklees Local Plan, the aims of the Councils House Extensions and Alterations SPD and policies within Chapters 12 and 16 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Drawings as Existing	PL01	-	28/11/2024
Drawings as Proposed	PL02	C	17/02/2025
Heritage Statement	IS01-03	-	09/12/2024
Application form	-	-	28/11/2024
Climate Change Statement	-	-	09/12/2024

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. Following the consultation response from KC Conservation and Design, the applicant's agent was informed the application would not be supportable in its current form due to the less than substantial harm to the Conservation Area resulting from the development. The applicant's agent has submitted revised plans with the side dormer removed and the application has been progressed to determination on the basis of these.

Report Dated: 25/02/2025

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