

**TO 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:	2024/62/93625/W
Site Address:	94, Victory Avenue, Paddock, Huddersfield, HD3 4HF
Description:	Erection of rear dormer extension and increase in roof height
Recommending Officer:	Joshua Merriman

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: 05-Mar-2025

Officer Report – 2024/93625

Site Description

The application site refers to 94 Victory Avenue, Paddock, Huddersfield, HD3 4HF, a two-storey terraced dwelling faced in stone, with a pitched, tiled, gable roof, and uPVC windows. The application property is set in a uniform street scene, surrounded by properties of a similar character, age, size, and style. The dwelling also benefits from small areas of garden and amenity space to the front and rear.

The property is visible to the front from Victory Avenue and the rear is visible from Royds Avenue which runs to the east / north of the site.

The row of terraces are upon topography where there is a land level slope downwards from west to east, as such the terraced properties are stepped in their design. The host property is stepped such that it is at a lower level from no.96, and is at the same level as no.92. As a result the ridge and roof slope of no.94 ties into the side elevation of no.96. Gable features are present to the front and rear of the terraced properties on Victory Avenue which protrude above the eaves level and tie into the rear roof slope.

Description of Proposal

The applicant is seeking permission for the erection of a rear dormer extension and an increase in roof height.

The proposed dormer extension would project 2.54m from the roof of the existing house, with a maximum height of 2.2m from the roof slope and a width of 4.99m. the dormer would fill the majority of the rear roof slope and is annotated on the submitted plans to be a standing seam sheet metal cladding external finish of a dark grey colour finish.

The proposed development would increase the maximum height of the dwelling to 9.02m, and the eaves height to 5.58m. The current height being 4.8m to the eaves and 8.1m to the ridge.

It is noted the submitted plans incorrectly annotate no.s 92 and 96 on the proposed rear elevation upon drawing 200P03. Notwithstanding this incorrect annotation the LPA is still able to determine this application on the basis of the submitted plans and information.

Supporting Information

In addition to the submitted plans the following documents have been submitted to support the application:

- Planning Statement

The content of the planning statement is discussed in more detail in the following report.

History of Negotiations / Amendments Received

No amendments have been requested by Officers.

Relevant Planning History

None

Representations

Publication of the application has been undertaken in accordance with the Council's Development Management Charter (July 2015).

The application has been publicised on the Council's website and by neighbor notification. The expiry date of the publicity period was the 18/02/2025.

Allocation and Policy

The site is unallocated within the Kirklees Local Plan (adopted 2019). The site does fall within an area with a known presence of bats. The site falls within an area identified as being at low risk of ground movement as a result of former mining activity identified by the Mining Remediation Authority.

The following legislation, policy and guidance is considered relevant to the determination of this application:-

Kirklees Local Plan

LP1 Achieving Sustainable Development
LP2 Place Shaping
LP21 Highway and Access
LP22 Parking
LP24 Design
LP30 Biodiversity and Geodiversity
LP51 Protection and Improvement of Local Air Quality

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 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.

Chapter2	Achieving sustainable development
Chapter12	Achieving well-designed places
Chapter14	Meeting the challenge of climate change, flooding and coastal change
Chapter15	Conserving and enhancing the natural environment

Supplementary Planning Documents / guidance

Kirklees Highway Design Guide (adopted November 2019)
House Extensions & Alterations SPD (adopted June 2021)

Legislation

The Town & Country Planning Act 1990 (as amended).
The Planning and Compulsory Purchase Act 2004.
The Conservation of Habitats and Species Regulations 2017

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

Assessment

The following matters are considered in the assessment below –

1. Principle of development
2. Impact upon the character and appearance of the area
3. Impact upon residential amenity
4. Impact upon highway safety
5. Climate Change
6. Other matters – e.g. trees/ecology (e.g. bats)
7. Representations
8. Conclusion

1 – Principle of Development

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal.

Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

Paragraphs 5.24 and 5.25 of the House Extensions and Alterations SPD state that:

Roofs are a prominent and visible element of the street scene. Unsympathetic roof extensions and dormer windows can have a significant effect on the visual appearance of both the individual building and street scene. Poorly designed roof extensions and dormer windows can make a building appear top-heavy, cluttered and asymmetrical.

The design of dormer windows and roof extensions should reflect the character of the area, the surrounding buildings and the age, appearance and materials of the existing house. Ideally, dormers should be located to the rear of a house and should be as small as possible with a substantial area of the original roof retained.

Paragraph 5.27 of the House Extensions and Alterations SPD goes on to state that 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.*

The above listed policies shall be taken into account within the following sections of this assessment. The conclusion section of this report sets out the conclusions in relation to the principle of the development in light of all other material considerations

2 – Impact on character and appearance of the area:

Visual Amenity

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local

identity, which is in keeping with the scale of development in the local area and is visually attractive.

Local Plan Policy LP24(a) states that all proposals should promote good design by ensuring the following: *‘the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape’*.

Key Design Principles 1 and 2 of the Council’s adopted House Extensions & Alterations SPD seek to ensure development in subservient to the host property and in keeping with the character of the locality.

The contents and recommendations of Paragraphs 5.24, 5.25, and 5.27 of the House Extensions and Alterations SPD are outlined in the ‘Principle’ section of this report.

Within the submitted planning statement, the following summarised points are made:

- Raising the roof will create appropriate headspace to allow the room to be operational from a building regulations perspective (2.1m minimum floor to ceiling height for lofts)
- Stone cladding is intended to match the existing in the raising of the eaves
- Consider the proposal does not divert significantly with the surrounding house dwellings, and the dormer windows will not be visible from the street scene
- Consider the proposal is in keeping with section 5.4 of the House Extensions and Alterations SPD as well as paragraphs 5.24 and 5.25.
- Proposed roof extension can be considered an appropriate scale in relation to the application site and would not represent a disproportionate addition to the original dwelling
- Proposal would be subservient and would not appear top heavy, cluttered, or asymmetrical
- The roof extension (upward and dormer) been designed to ensure the converted loft space aligns with National Space Standards and Building Regulations.
- The proposal would fit unobtrusively with the parent building, and it will not represent overdevelop the site or detract from the character of the dwelling site.
- By virtue of the dormers’ rear location and appropriate scale of the upward extension, the proposal will not erode the visual amenity of the site or wider streetscape.
- Functional user space for the occupant’s enjoyment of the property for the lifetime of the dwelling would be created.
- Planning balance of social, environmental and economic factors such that the proposal would not cause enough of an impact to warrant a refusal in this instance

The content of the planning statement is noted, it is clear that the proposal would be visible from the street as both the front and rear elevations of the property can be view from public vantage points. As set out in the site description, there is a coherent and clear design ethos in relation to the host property in conjunction with those which it forms part of the overall development (in this case the row of terraced properties).

The raising of the eaves would see the stepped nature of the row of terraced properties interrupted, by brining the property higher than no.96, which is currently lower than. Whilst the stepped design in relation to no.94 and no.92 which is proposed would be in keeping with that of the existing terrace, this would be viewed in the contexts of the visual interruption caused by the building being higher than the other property it would tie into (no.96).

It is considered the raising of the ridge and eaves in this case would lead to a visual intrusion which would be highly prominent and read from both Victory Avenue and Royds Avenue. This element of the scheme is considered to have a harmful visual impact within the street and wider locality and whilst use of matching materials would mitigate this harm to some degree it is not considered it would overcome the overall impact.

The dormer to rear is considered to be of a significant scale, in relation to the rear roof slope and would dominate the rear roof plane of the house, not retaining a substantial area of the original roof, and would appear as an unsympathetic to the host dwelling when viewed from Royds Avenue. The use of materials is considered to be a factor to which limited weight can be afforded in terms of mitigating the harmful impact of construction of the large structure to the rear roof slope. Furthermore, the introduction of the proposed dormer would detract from the existing gable feature within the rear roof slope and have a dominating impact when viewed in this context and the context of the wider row of properties which the dwelling forms a part.

The conclusions of the submitted planning statement, and assertions in relation to the relevant policies (and subsequent conclusions within the statement) are noted. However it is considered that the visual harm which is identified cannot be suitably mitigated and whilst the proposal would provide further living accommodation in a manner that also complies with the requirements of building regulations, this is not a factor to which such weight can be afforded that outweighs the identified visually harmful impact of the proposed development.

It is therefore concluded that, by virtue of its scale, prominence and design, the proposed development would have a detrimental visual impact upon the visual amenities and character of the host property and wider locality. As a result the development would have a visually harmful impact which would not harmonise with the prevailing character of the area, the host property and row of terraced properties to which it forms a part. The development would therefore be contrary to Policy LP24 of the Kirklees Local Plan, Policies within

Chapter 12 of the NPPF as well as Principles 1 and 2 & paragraphs 5.24, 5.25 and 5.27 of the Council's adopted House Extensions and Alterations SPD.

3. Impact on Residential Amenity

Sections B and C of LP24 states that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

Further to this, Paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Key Design Principle 3 states that extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours

Key design principle 4 sets out 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.

Key design principle 5 relates to overshadowing/loss of light and details that extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property.

Key design principle 6 seeks to ensure developments preventing overbearing impact and that extensions and alterations should not unduly reduce the outlook from a neighbouring property.

Key design principle 7 requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

The submitted planning statement sets out that the proposed development is considered to be acceptable with regard to impact upon residential amenity.

The window in the rear dormer extension (North facing) is located 17.2m from the nearest neighbouring property to the North (1 Royds Avenue), taking account of the fact this would be a distance which is in keeping with the existing separation distances between the properties and fact the opening in the dormer would not be closer than existing first floor openings in the rear of no.94, it is concluded there would be no significant increase in overlooking that would occur as a result of the proposed development.

Having regard to the extent of the proposed works, which would see the increase in eaves height, the proposed development is not considered to lead to a significant level of overshadowing or overbearing impact to neighbouring dwellings.

It is therefore considered that in terms of residential amenity, the proposed development would have an acceptable impact and comply with the aforementioned policies in this regard.

4. Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan and 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.

Principle 19 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) requires the provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development.

The submitted planning statement considers parking and highways matters, concluding the proposal would be acceptable in this regard.

Although the submitted plans do not detail the storage of bins at the property, there will be adequate space for this on site as the footprint of the dwelling will not increase.

There is currently no off-street parking at the property, the proposal would increase the potential for occupants of the property to increase. Notwithstanding this, the parking provision is deemed acceptable to remain as current at the application property in this case given the potential for off street parking and the extent of the proposal it is considered it would be unreasonable of the LPA to insist upon off street parking provision to form part of the development proposal in this case.

Furthermore, given the house is well set back from the closest highway (Victory Avenue), and the dormer extension is proposed to the rear, it is considered that there will be no significant impact upon highway safety.

It is therefore considered that in terms of access and highway safety/parking the proposed development would be acceptable having regard to 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. Furthermore, it is considered that the proposal would also comply with Principle 19 of the adopted House Extensions & Alterations SPD.

5. 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 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.

The submitted climate change statement sets out measures are not considered applicable. It is noted that measures would need to be undertaken as part of gaining building regulations such as insulation.

Considering the scale and 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. The proposed development would therefore comply with Chapter 14 of the National Planning Policy Framework.

6. Other Matters

Impact upon Ecology

Chapter 15 of the National Planning Policy Framework is 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 roosting area, and the proposal would impact upon an area which has the potential for roosting bats, it is considered a proportionate approach in this case that any grant of permission would be subject to informative note making the applicant aware that if bats are discovered on site during the works, any development would need to cease, and Natural England contacted. Subject to informative the proposal is considered to be acceptable in this regard.

7. Representations

No representations have been received.

8. 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 the

proposed development would not constitute sustainable development and is therefore recommended for refusal.

Recommendation

REFUSAL

Decision Authorisation: Delegated Powers

Application Number: 2024/93625

Officer Recommendation: Refusal

Reason(s) for Refusal

1. By virtue of its scale, prominence and design, the proposed development would have a detrimental visual impact upon the visual amenities and character of the host property and wider locality. As a result the development would have a visually harmful impact which would not harmonise with the prevailing character of the area, the host property and row of terraced properties to which it forms a part. The development would therefore be contrary to Policy LP24 of the Kirklees Local Plan, Policies within Chapter 12 of the NPPF as well as Principles 1 and 2 & paragraphs 5.24, 5.25 and 5.27 of the Council's adopted House Extensions and Alterations SPD.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application Form	-	-	02/01/2025
CCS	-	-	09/01/2025
Planning Statement	-	-	02/01/2025
Location Plan	L(10)001	P02	02/01/2025
Existing Site/Block Layout	L(10)010	P02	02/01/2025
Existing Floor Plans	L(10)100	P02	02/01/2025
Existing Elevations	L(10)200	P02	02/01/2025
Proposed Floor Plans	L(20)100	P02	02/01/2025
Proposed Elevations	L(20)200	P03	02/01/2025

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 2024 and otherwise actively engaged with the applicant in dealing with the application.

Report Dated: 05/03/2025

