

**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:	2024/62/93632/W
Site Address:	3, Percy Street, Fartown, Huddersfield, HD2 2RX
Description:	Erection of front and rear dormer windows and increase roof height
Recommending Officer:	Lucy Taylor

DECISION - REFUSED

I hereby authorise the refusal of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Emma Thompson

AUTHORISED OFFICER

Date: 18-Feb-2025

Officer Report.

Reference: 2024/93632

Location: 3, Percy Street, Fartown, Huddersfield, HD2 2RX

Proposal: Erection of front and rear dormer windows and increase roof height

Site Description.

3 Percy Street is a two-storey property located in Fartown, Huddersfield. The external walls of the property are faced in artificial stone and the roof is infilled with tiles. A large, detached garage structure is located to the rear of the site.

The property is located within a residential area, where a variety of construction styles and designs are established.

Description of Proposal.

Planning permission is sought for the erection of front and rear dormer windows and increase roof height.

The front gable roofed dormer would have the following dimensions:

- Depth – 2.5 metres
- Width – 1.8 metres
- Height – 2 metres

The rear dormer would have the following dimensions:

- Depth – 3.5 metres
- Width – 5.6 metres
- Height – 2.9 metres

The existing roof above the two-storey side addition will be increased, taking the ridge height of the two-storey side addition to the same as the host dwelling.

History of Negotiations.

In this instance, the case officer did not enter into negotiations with the planning agent or applicant, given the planning history at the site, specifically the refusal of previous application 2023/93545.

The case officer did remove reference to 'installation of solar panels to the rear roof' from the description of proposal, as no details were provided regarding the installation of solar panels on either the submitted plans or climate change statement.

It is noted that the property of 3 Percy Street benefits from Permitted Development Rights and therefore, solar panels could potentially be installed at the property under Permitted Development, granted the limits and conditions are met.

Relevant Planning History.

- 86/00271 – Erection of garage. *Granted Conditionally.*
- 90/04776 – Erection of 2 storey and single storey extensions. *Granted Conditional Full Permission.*
- 2003/91681 – Erection of 2 storey extension to existing 2 storey extension. *Granted Conditional Full Permission.*
- 2010/93064 – Demolishing & erection of a garage. *Granted Conditional Full Permission.*
- 2023/93545 – Erection of front and rear dormers with associated alterations. *Refused.*

Planning application 2023/93545 was refused for the following reason:

'The proposed development, by reason of its design, scale and massing would fail to be subservient to the original dwelling and would appear as obtrusive additions, having a harmful impact upon the character and appearance of the dwelling and wider street scene. The development would therefore be contrary to Policy LP24 parts (a) and (c) of the Kirklees Local Plan, Key Design Principles 1 and 2 of the Kirklees House Extensions and Alterations Supplementary Planning Document and national policy set out in Chapter 12 of the National Planning Policy Framework.'

Representations.

This application was advertised via neighbour letters.

Final publicity date expired: 14th February 2025.

No representations received.

Consultation Responses.

No consultations were deemed necessary for this application.

Policy / Legislation.

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 located within an area identified by the Coal Authority as being at high risk of ground movement as a result of former mining activity.

Part of the site falls within an area with a known presence of bats.

Kirklees Local Plan:

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

Supplementary Planning Documents:

- Highways Design Guide SPD (2019)
- 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 December 2024, together with Circulars, Parliamentary 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 4 – Decision-making
- Chapter 9 – Promoting sustainable transport
- 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

Chapter 2 of the NPPF states that: *“Planning policies and decisions should play an active role in guiding development towards sustainable solutions...”*

Chapter 2 of the NPPF goes on to further state that objectives should: *“support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment...”*

In line with the NPPF, Policy LP1 of the Kirklees Local Plan (KLP) declares that: *“...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.”*

Policy LP1 goes further and states: *“The council will always work pro-actively with applicants jointly to find solutions which mean that proposals 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 conclusion section of this report sets out the conclusions in relation to the principle of the development in light of all other material considerations.

1) Impact on Visual Amenity

The NPPF offers guidance relating to design in chapter 12.

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

- *‘a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...’*
- *‘c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...’*

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

The existing roof above the two-storey side addition will be increased, taking the ridge height of the two-storey side addition to the same as the host dwelling. This increase in height is considered to have a detrimental effect on the overall design of the previously erected two-storey side extension, altering its current subservient appearance / siting to create an extension which would be seen as overtly dominant.

In this case, it is considered that the works to the roof of the previously consented and implemented two-storey side extension would have an appearance which is harmful to the character of the street and wider locality.

It is noted that within the officer's report for previous planning application 2023/93545, the following was written within the visual amenity section:

'The roof above the previously erected two-storey side extension is to be increased in height, taking the ridge height to the same level as the ridge height of the roof above the original dwellinghouse. This increase in height would have a detrimental effect on the overall design of the two-storey side extension, altering its current subservient appearance / siting to create an extension which would be seen as overly dominant.'

'The increase in roof height would be contrary to the design recommendations for two-storey side extensions, as set out within the House Extensions and Alterations SPD.'

The rear dormer proposed to No. 3 Percy Street would be a box like structure, built across the roof plane of the host dwelling and the previously erected two-storey side extension. Given the size/scale of the proposed rear dormer, as well as its width across both roofs, it is considered that it would result in the building appearing top heavy and cluttered.

Paragraph 5.25 states that *"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."* In this instance, the rear dormer would take up a significant extent of the roof plane of the original house, as well as covering some of the rear roof slope of the side extension. Furthermore, the dormer would be set down from the ridge height of the roof by only approximately 0.2 metres.

Whilst officers note that the design of the rear dormer has been altered from that proposed under previous application 2023/93545, this is only very slightly, with the depth and height of the dormer the same as previously proposed and the width of the dormer reduced only by 0.7 metres, from 6.3 metres to 5.6 metres. The proposed rear dormer still goes across the roof plane of both the host dwelling and two-storey side extension and is still only set down from the ridge height of the roof by approximately 0.2 metres.

Whilst officers acknowledge that the neighbouring property of No. 9 Percy Street has rear dormers erected, these are of a smaller size/scale and of a

traditional vertical dormer design. In addition, the flat roofed rear dormer erected to No. 41 Wasp Nest Road, is much smaller in size/scale to the rear dormer proposed at No. 3 Percy Street, with the siting of this dormer significantly less prominent given the lower height of the host dwellinghouse.

Therefore, the proposal is not considered to have overcome the reason for refusal under previous application 2023/93545 and therefore fails to comply with the policies within Chapter 12 of the NPPF, Policies LP1, LP2 and LP24 of the Kirklees Local Plan and Key Design Principles 1 and 2 of the House Extensions and Alterations SPD.

The proposed singular front dormer proposed to 3 Percy Street is considered to be acceptable from a visual amenity perspective, in keeping with the design of other front dormers erected within the street scene. However, given the assessment of the other elements of the proposal, the application is to be recommended for refusal on the grounds of visual amenity.

2) Impact on Residential Amenity

Section 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.”*

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 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 accordance with Key Design Principle 7 of the House Extensions and Alterations SPD, the proposal would not see a reduction in the existing extent of outdoor amenity space at the property.

No. 5 Percy Street adjoins No. 3 to the north. The proposed dormers would be contained within the envelope of existing roof slopes at No. 3 (original dwelling and extension) and there is no roof lighting within the roof of No. 5, therefore, the dormer extensions would not be considered to result in any undue levels of overbearing and/or overshadowing for the occupiers of this neighbouring property.

It should be noted that the proposals do not include any forms of glazing to face directly towards this neighbouring property, retaining appropriate levels of residential privacy.

It is considered that the proposed works would be a sufficient distance away from No. 1 Percy Street and any other neighbouring properties to prevent any undue impacts to residential amenity. The glazing to the rear dormers would

retain a distance of 21 metres from the properties to the rear of the site. The glazing to the front dormer would likely be obscured as it would serve an en-suite bathroom within the interior of the dwelling, this could be secured via condition.

The scheme therefore complies with Policies LP24(b) of the Kirklees Local Plan, Key Design Principle 6 of the House Extensions and Alterations SPD and policies within Chapter 12 of the NPPF.

3) 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.

The proposals would result in 3 Percy Street having 5 bedrooms. Based on the information submitted for previous planning application 2003/91681, it is considered that the property at present has four bedrooms.

Paragraph 4.42 of the House Extensions and Alterations SPD sets out that: *'Proposals should maintain appropriate access and parking arrangements, including for bicycles. The number of parking spaces required are dependent on the size of the property and the prevailing local characteristics and will be considered on a case-by-case basis. An initial point of reference for residential development is as follows: 2-to-3-bedroom dwellings provide a minimum of 2 off-street car parking spaces, 4+ bedroom dwellings provide 3 off-street parking spaces'*

Whilst the proposal would see a shortfall in parking, the development would intensify the use of the property by only one additional bedroom and therefore, it is not considered that parking demand would increase significantly above the existing situation at the site. At present, based on the guidance set out above, the property at present has a shortfall of 2 spaces, it would be the same shortfall in the number of spaces if permission was granted under this current planning application.

Whilst officers note that there is an option to increase parking on the site, in the case of determining this current planning application, this hasn't been explored due to the reasons for refusing the application on other grounds. However, in any case of an approved permission at the site, officers could impose a condition, relating to the submission of parking details, to ensure an increase in parking provision.

4) 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 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.

As part of this planning application, a Climate Change Statement was submitted, which sets out various mitigation measures. Considering the small scale of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs any further mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the NPPF and Policy LP51 of the Kirklees Local Plan

The case officer did remove reference to 'installation of solar panels to the rear roof' from the description of proposal, as no details were provided regarding the installation of solar panels on either the submitted plans or climate change statement.

It is noted that the property of 3 Percy Street benefits from Permitted Development Rights and therefore, solar panels could potentially be installed at the property under Permitted Development, granted the limits and conditions are met.

Bats:

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.

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.

Part of the application site lies within the bat alert layer on the Council's GIS system, specifically, the detached garage.

The proposal would see works to the roof, which has the potential for roosting bats to be present. Whilst it is not considered proportionate for the LPA to insist upon a full assessment of the roof space to be undertaken in this case, in the event of any grant of permission a note would be added to the decision notice, stating that if bats are found development shall cease and the advice of a licensed bat worker sought. This is to accord with the aims of Chapter 15 of the NPPF.

5) 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 adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material considerations.

The proposal is considered to have an unacceptable visual impact upon the host property and wider locality as a result of the size/scale and design of the extensions.

Recommendation: Refuse

Decision Authorisation: Delegated Powers
Application Number: 2024/93632
Officer Recommendation: Refuse

Reason for Refusal:

1. The proposed increased roof height and rear dormer, by reason of their design, scale and massing would fail to be subservient to the original dwelling and would appear as obtrusive additions, having a harmful impact upon the character and appearance of the dwelling and wider street scene. The development would therefore be contrary to Policy LP24 parts (a) and (c) of the Kirklees Local Plan, Key Design Principles 1 and 2 of the Kirklees House Extensions and Alterations Supplementary Planning Document and national policy set out in Chapter 12 of the National Planning Policy Framework.

Plans and Specifications Schedule:

Plan Type	Reference	Version	Date Received
Existing Floor Plans	UD-498	-	02.01.2025

Proposed Plans and Elevations	UD-498	-	02.01.2025
Existing Elevations	UD-498	-	02.01.2025
Proposed Plans	UD-498	-	02.01.2025
Climate Change Statement	-	-	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 preapplication advice service available, complied with the Kirklees Development Management Charter 2025 and otherwise actively engaged with the applicant in dealing with the application.

In this instance, the case officer did not enter into negotiations with the planning agent or applicant, given the planning history at the site, specifically the refusal of previous application 2023/93545.

The case officer did remove reference to 'installation of solar panels to the rear roof' from the description of proposal, as no details were provided regarding the installation of solar panels on either the submitted plans or climate change statement.

Report Dated: 18.02.2025