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:	**2025/62/90934/W**
Site Address:	43, Black Rock Drive, Linthwaite, Huddersfield, HD7 5ZA
Description:	Erection of dormer to rear pitch and installation of 3 roof lights to the front pitch (within a Conservation Area)
Recommending Officer:	Molly Storer

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: 24-Sep-2025

Officer Report

Site Description

The application site relates to 43 Black Rock Drive, a detached, two storey property in the area of Linthwaite. The property is set back from the roadside and benefits from garden amenity space to the front and rear. The rear garden is split into two sections with the section set further from the house being at a higher land level. beyond the rear boundary there is an area of woodland which slopes steeply upwards from west to east. The site also hosts a driveway to the side which loads to a detached garage.

The site is situated within Linthwaite Conservation Area and is located within a relatively new housing estate whereby it was constructed as part of a development for 113 dwellings. Due to this the surrounding development consists of residential dwellings of a similar age and appearance, the closest Listed Building located ~200m to the northwest.

Description of development

The application is for the erection of a dormer to the rear pitch and installation of 3 roof lights to the front pitch (within a Conservation Area)

The rear dormer would measure:

- 6m in width
- 2.8m projection
- 7.8 in height

A Heritage statement has been submitted as part of the application; in summary the statement makes the following assertions / statements:

- Consider that Black Rock Drive is considered a neutral contribution to the conservation area
- Consider the design and impact is acceptable, making reference to policy BE5 of the Kirklees UDP.
- Consider there would be no harm to historic fabric, would preserve character and utilise conservation style roof lights.
- The development would provided additional facilities / internal space and be an energy efficient design.
- Presence of a steep natural rockface to the rear entirely obscures the rear elevation from public view

History of negotiations/amendments received

The agent was contacted due to concerns raised by the Conservation officer and the case officer as the dormer did not comply to the SPD and was not considered to preserve or enhance the Conservation Area. It was suggested

that the flat roof dormer should be omitted from the scheme and replaced with conservation flush roof lights in line with the windows below. Alternatively, it was also suggested that consideration could also be given to two/three smaller pitched roof dormers in line with the windows below.

The agent submitted amended plans (dated 27/07/25, received 28/07/25 by the LPA) showing a dormer with a shallow pitched roof, this design was not considered to overcome the significant concerns with regard to visual amenity and impact to Birkby Conservation Area. The agent confirmed they wished for the application to proceed on the basis of the submitted plans.

Relevant Planning History

2015/93867 – Reserved matters application for erection of 113 dwellings pursuant to outline permission 2013/90853 for erection of 236 dwellings and associated works with appropriate vehicular and pedestrian access and associated car parking spaces (within a Conservation Area) – Approved.

2013/90853 - Outline planning application for erection of 236 dwellings and associated works with appropriate vehicular and pedestrian access and associated car parking spaces – Section 106 outline permission.

Representations

We are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via site notice and newspaper advertisement.

Final publicity date expired: 27th Hune 2025

Parish/ Town Council – not applicable

No representations were received.

Consultation Responses

K.C Conservation and Design – Advises they are not supportive of the scheme.

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 within the Linthwaite Conservation Area, strategic green infrastructure network and a housing land allocation (ref: HS123) within the Kirklees Local Plan.

The site also falls in an area identified as being potentially contaminated land, area with a known presence of Bats / twite birds and also an area at low risk of ground movement as a result of former mining activity.

Kirklees Local Plan:

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways safety
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity and geodiversity
- **LP 35** – Historic environment
- **LP 51** – Protection and Improvement of Local Air Quality

Supplementary Planning Documents:

- House Extensions and Alterations SPD

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 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.

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding & coastal change.
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Legislation

The Town & Country Planning Act 1990 (as amended).
The Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990

Assessment

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 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design, including the adopted Kirklees Supplementary Planning Document on House Extensions (SPD).

Within the adopted SPD, Key Design Principles 1 and 2 are relevant to the consideration of the principle of the development & visual amenity and are considered within the following report. These policies state the following:

- Principle 1 – that "extensions and alterations to residential properties should be in keeping with the appearance, scale, design, and local character of the area and the street scene."

- Principle 2 – that "extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and detail."

With specific regard to the House Extensions and Alterations SPD the key designs principles for consideration are:

- Key design principle 1: Local character and street scene
- Key design principle 2: Impact on the original house
- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 12: Natural environment
- Key design principle 14: Drainage and flood risk
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage

- Key design principle 17: Access for all users

The above listed policies and guidance within the SPD are taken into account within sections below of this report.

It is noted that the site is within an housing land allocation, the redevelopment of an existing dwelling is considered to be compatible with this allocation.

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 visual amenity, Conservation Area and Listed Building:

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

Policy LP35 requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets.

Section 66(1) of the Planning (Listed Building and Conservation Areas) Act states In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72(1) of the Planning (Listed Building and Conservation Areas) Act states In the exercise, with respect to any buildings or other land in a conservation area, of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Paragraph 212 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset the Local Planning Authority should give great weight to the heritage asset's conservation irrespective of the level of harm.

The application site is within the Linthwaite Conservation Area. Within this area it is also situated within a well-designed, sympathetic modern estate where the roof planes are interrupted preserving their character.

The roof lights to the front of the property are considered acceptable.

In terms of visual amenity although the dormer is located to the rear it would be visible from within the housing site through the gap in the houses meaning it would be clearly visible from public vantage points outside of the curtilage of the dwelling.

Paragraphs 5.24, 5.25, 5.26 and 5.27 of the House Extension SPD relate to the provision of dormers. Given roofs are a very prominent and visible element of the majority of properties, development affecting the roof, such as dormer extensions need to be carefully considered in terms of their appearance and scale in order to be considered acceptable in terms of LP24 of the KLP, KDP 1 & KDP2 of the House Extension SPD and chapter 12 of the NPPF.

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 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 design of the proposed rear dormer is a large and dominant structure despite the amended plans showing a shallow picthed roof. Due to the projection from the sides of the original roof slope, the resultant structure introduces a very large, overly prominent structure which, due to its size is not a subservient design which is in keeping with the original design principles of the host property and is out of keeping with the wider character of the locality.

The SPD is clear that modern flat roof dormers may be acceptable if they are well-designed, small in scale and appearance and are characteristic of the street scene. In addition, they should not dominate the roof slope. However, in this instance the rear dormer will be visible from points further up Black Rock Drive and will disrupt the nature of the simple pitched roof forms within the estate. The Conservation officer noted that the existing housing development is of a high quality in terms of design, detailing, scale, form, massing and layout. The scale, form, design, detailing, bulk and massing of the proposed dormer window is considered inappropriate as it is very large, takes up most of the roof area and has a very shallow roof pitch. Within the surrounding area there are no other large dormer windows of a similar design or scale at this development currently. There are some much smaller scale, pitched roof dormers which have been designed to be integral with the roof of a row of terraces nearby within the same development.

The Council's Conservation officer confirmed they were unable to support the application as the development would detract from the character of the terrace which has preserved its character well contrary to Policy LP35 and Chapter 16 of the National Planning Policy Framework. The identified harm is not considered to be outweighed by any discernible public benefits, whilst additional floor space would improve the level of accommodation within the dwelling this in itself is not considered to outweigh the less than substantial harm which has been identified in this case.

It is therefore considered that by virtue of its siting, scale massing and design, the dormer would poorly relate to the appearance of the house and dominates the roof causing detrimental harm to the visual amenities of the locality as well as the character of the Conservation Area and wider locality. The proposal would lead to less than substantial harm to the significance of the Linthwaite Conservation Area whereby no public benefit of the scheme has been identified contrary to Policy LP35 and Policy LP24 (a and c) of the Kirklees Local Plan, Principles 1 and 2 of the Kirklees House Extensions and Alterations Supplementary Planning Document and Chapters 12 and 16 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

Key design principle 5 states relates to overshadowing/loss of light stating 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 prevent an overbearing impact setting out that 'Extensions and alterations should not unduly reduce the outlook from a neighbouring property.'

In terms of residential amenity, openings are within the rear elevation of the rear dormer extension and the three roof lights to the front roof plane. Whilst this does result in additional glazing to the front and rear elevations this is not considered to cause any further overlooking than the existing windows in these elevations. As there are no windows proposed within the side elevations of the dormer it is considered that privacy to neighbouring properties would not be significantly impacted.

In terms of overbearing and overshadowing, due the property being detached and set slightly back at the rear from No.41 and at a separation distance of ~7.5m from No.41 it is considered that this would not cause a significant overbearing or overshadowing impact.

It is therefore considered that the development is acceptable in terms of residential amenity, having regard to the above policies.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

Although the property will see an increase in the number of bedrooms, the parking on site will remain the same. There is 3 off street parking spaces which is sufficient for a 3/4 bedroom property.

It is not anticipated that the works would displace the storage of bins and there is adequate remaining amenity space for the storage of bins and is therefore the proposal would be compliant with Key Design Principle 16 of the SPD.

The proposal is concluded to be acceptable with regard to parking / waste storage.

5 – Other matters:

Climate Change –

Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda. A Climate Change Statement has been submitted as part of this application.

The submitted statement sets out that high-performance insulation materials that exceed minimum Building Regulations standards would be utilised. Use of low-embodied carbon materials would be prioritised including reuse of existing roofing materials where viable, and source new materials locally to reduce transport emissions. Thermal efficiency would be ensured through insulation.

Whilst these measures of the proposal would contribute to reducing the carbon footprint of the development it is considered this does not constitute a factor which can be afforded such weight as to be a wider public benefit which outweighs the identified less than substantial harm. Given the scale of the development in the event of any grant of permission it is considered it would be unnecessary to ensure the measures of the climate change statement are provided / ensured, particularly when taking account of building regulations requirements.

Biodiversity –

Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

The application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance. The building is a relatively recent construction with well sealed eaves / soffits which is considered to be such that use of the roof space by bats is unlikely. Bats are afforded protection in law were any to be encountered and an informative note would be included in the event of any grant of permission.

Land Quality –

With regard to land quality, paragraphs 187, 196 and 197 of the National Planning Policy Framework and policy LP53 of the Kirklees Local Plan which seeks to ensure land quality is maintained as part of new development are considered to be relevant.

Given the nature of the proposal it is considered the impact upon quality would not be significant in this case and further investigations would not be required in this case given no intrusive works into the land would be taking place.

6 – Representations:

None received.

7 – Conclusion:

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development proposal does not accord with the development plan and 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 consideration.

The proposal is therefore considered to be contrary to policy LP2 which seeks to ensure all development proposals build on the strengths, opportunities and help address challenges identified in the Local Plan, in order to protect and enhance the qualities which contribute to the character of these places.

Recommendation **REFUSE**

Decision Authorisation - Delegated Powers

Application Number: 2025/90934

Officer Recommendation: Refuse

Reason:

1. By virtue of its siting, scale massing and design, the dormer to rear would not be a subservient addition and does not relate to the appearance of the host property having a harmful impact upon the visual amenities of the host property and wider locality as well as the character, appearance and setting of the Linthwaite Conservation Area. The development would result in less than substantial harm for which no public benefits have been demonstrated to outweigh the harm. The development is therefore contrary to policies LP2, LP24 and LP35 of the Kirklees Local Plan, Key Design principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document and Policies within Chapter 12 and 16 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	-	-	12/05/2025
Existing and proposed plans and elevations	01 dated 27/07/2025	2	28/07/2025
Conservation/heritage statement	-	-	28/04/2025
Climate change statement	-	-	28/04/2025
Application form	-	-	12/05/2025

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.

The agent was contacted and advised of amendments considered necessary to ensure the development could be considered acceptable. The agent confirmed they wished to proceed with the application on the basis of the plans submitted 28/07/2025.

Report Dated: 22nd September 2025