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**Report of the Head of Strategic Investment**

**HUDDERSFIELD PLANNING SUB-COMMITTEE**

**Date: 22-Feb-2018**

**Subject: Planning Application 2017/93483 Erection of single storey rear extension and rear dormer windows 152, Ravensknowle Road, Dalton, Huddersfield, HD5 8DL**

**APPLICANT**

N & M Donaghey

**DATE VALID**

12-Oct-2017

**TARGET DATE**

07-Dec-2017

**EXTENSION EXPIRY DATE**

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Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

**LOCATION PLAN**



**Map not to scale – for identification purposes only**

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**Electoral Wards Affected: Almondbury**

No

Ward Members consulted

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## **RECOMMENDATION**

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions, including those contained within this report.

### **1.0 INTRODUCTION**

1.1 This application was originally brought to Sub-Committee on 4<sup>th</sup> January 2018 at the request of Cllr Bernard McGuin for the following reason:

*'The reasons are that the structure has been put up without permission, that it was put up without conditions having been imposed on it and so that the residents can see clearly that a democratic voice has been heard in this process.'*

1.2 Members undertook a site visit to the property and resolved to defer the application at the meeting. This was in order for officers to provide further information as to whether the development was materially harmful in terms of residential amenity, visual amenity or would result in a harmful overdevelopment of the site such as to warrant the refusal of the application. These matters have been further explored in detail by Planning Officers and the application is brought back to members for consideration.

### **Points of Deferment**

#### Over Development

1.3 No.152 Ravensknowle Road occupies a modest plot, offering 93m<sup>2</sup> private amenity space. In terms of the rear extension it would occupy an area of approximately 8.5m<sup>2</sup>, 9% of the total curtilage of the property. As such, given the minimal footprint of the ground floor extension it is not believed to constitute over-development.

1.4 With regard to the rear dormer extension it is noted in paragraphs 10.6 and 10.10 that a dormer extension of this size could have been constructed under permitted development rights. As such, Planning Officers do not considered this enlargement as an over development even when assessed in the context of the rear in-fill extension.

- 1.5 Notwithstanding the above and as noted in paragraph 10.11 a condition would be attached to any permission, removing permitted development rights. This would guard against any further development, which might constitute an over development of the site.
- 1.6 Given the above the scheme is considered to comply with Policy D2 (Criteria ii) of the Unitary Development Plan (UDP), Policy PLP1 of the publication Draft Local Plan and guidance contained within the NPPF. As such planning officers consider that the cumulative impact of the development would not result in an overdevelopment of the site.

#### Visual Amenity

- 1.7 As noted in paragraphs 10.3 to 10.7 the impact of the scheme has been assessed with regard to visual amenity and is considered acceptable. Assessment of visual amenity is subjective. Considering:
- the siting of the extensions to the rear of the property and their design;
  - external facing and roofing materials;
  - the fallback position in respect of the dormer,
- Planning officers, upon further review of the scheme, would maintain that the development would not result in material harm to the visual amenity of the host dwelling or the wider character of the surrounding area.
- 1.8 As such the scheme is believed to comply with Policies D2, BE1, BE2, BE13 and BE14 of the UDP, Policies PLP1 and PLP24 of the PDLP and guidance contained within Chapter 7 of the NPPF.

#### Impact on Residential Amenity

- 1.9 The impact of the proposed scheme on residential amenity has been assessed and is considered acceptable as outlined in paragraphs 10.8 to 10.12.
- 1.10 Following a further review of the scheme planning officers have concluded that there is no further considerations to add to the items already assessed. It is acknowledged that any development will have an impact on the amenities of surrounding residents; the assessment of whether this is materially harmful is, once again, subjective. Indeed most planning approvals are likely to interfere to some extent, with an adjoining occupier's enjoyment of their property. However the test is whether this is proportionate. A core planning principle of the NPPF is to secure a 'good standard' of amenity for all existing occupants of land and buildings. For the reasons set out in paragraphs 10.8-10.12 it is considered this would be achieved and that the impact on surrounding properties would be proportionate.
- 1.12 The proposal is therefore deemed to comply with Policies D2 and BE14 of the UDP, Policy PLP24 of the PDLP and paragraph 17 of the NPPF.

#### Conclusion

- 1.13 Given the above assessment the original recommendation that the application be approved is maintained. The report to the meeting of 4<sup>th</sup> January 2018 is set out below.

## **2.0 SITE AND SURROUNDINGS**

- 2.1 No.152 Ravensknowle Road refers to a double fronted, semi-detached bungalow, constructed from brick and with the front and rear elevations faced in natural stone. The dwelling has been designed with a gable roof which hosts roof lights in the northwest facing plane, and is finished in concrete tiles. The dwelling benefits from private amenity space to both the front (northwest) and the rear (southeast) while a shared access path between no.152 and no.150 runs along the southwest elevation of the property.
- 2.2 The application dwelling is surrounded to the south, east and west by other residential properties of the same architectural style and construction materials. To the north the application dwelling faces onto Ravensknowle park. The application site does not benefit from any specific planning related designation.

## **3.0 PROPOSAL**

- 3.1 The proposal relates to a single storey rear extension and a rear dormer window extension. This is a retrospective application.
- 3.2 The proposed single storey rear extension would project from the rear elevation by approximately 1.7m and have a total width of approximately 5.2m, forming a 'L' shape, infilling a rear section of the original dwelling. Given the relatively steep pitch of the roof slope, the eaves to the rear of the dwelling have been raised above that of the original dwelling.
- 3.3 The rear dormer would have a total width of approximately 8.2m spanning the width of the roof, save for 200mm adjacent the gable, and when measured in the vertical plane would have a height of approximately 1.7m. The base of the dormer adjoins the ridge of the single storey rear extension. The top of the dormer would project directly from the ridge of the main roof.
- 3.4 Walling and roofing materials of the rear extension would match those of the host dwelling while the dormer has been faced in dark grey upvc weather boarding.

## **4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

### **4.1 Enforcement History:**

COMP/17/0259 – a complaint was received in July 2017 alleging that unauthorised building operations were taking place on site. This was investigated and resulted in the submission of the planning application now reported to sub-committee.

## **5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):**

- 5.1 Discussions were held between the agent and planning officer regarding the accuracy of the plans as original submitted. As such, revised plans which accurately reflected the roof form of the extension were received.

## **6.0 PLANNING POLICY:**

6.1 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 Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

6.2 The site is unallocated on the UDP Proposals Map.

6.3 Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- D2 – Unallocated Land
- BE1 – Design Principles
- BE2 – Quality of Design
- BE13 – Extensions to dwellings (design principles)
- BE14 – Extensions to dwellings (scale)

6.4 Kirklees Publication Draft Local Plan (PDLP): Submitted for examination April 2017

The site is without allocation or designation in the publication draft local plan.

### Policies

- PLP1 – Achieving Sustainable Development
- PLP24 - Design

6.5 National Planning Guidance:

- Paragraph 17 – Core Planning Principles
- Chapter 7 – Requiring good design

## **7.0 PUBLIC/LOCAL RESPONSE:**

7.1 The application was advertised by site notice and letters to the occupants of neighbouring dwellings. The public consultation period expired on 26<sup>th</sup> November 2017.

7.2 No representations have been received in support of the application.

### 7.3 Objections

One representation in opposition to the development has been received to date. Below is a summary of concerns raised:

- The dormer has not been designed in accordance with Kirklees Council Planning Services 'Householders guide to dormer and other roof extensions'
- The construction materials used are not in keeping with the construction materials of surrounding dwellings
- Dormer extensions are not a common design in the area
- The dormer overlooks the private amenity space of neighbouring dwellings resulting in the loss of privacy.
- The positioning of the first floor bathroom to the front of the dwelling resulting in a soil pipe travelling along the southwest elevation rather than the rear elevation.
- An increase in the number of pipes on the south west elevation, protruding into a communal passageway
- The location of a new manhole cover in the shared passageway
- The position of the boiler outlet on the south west elevation which emits steam in the direction of the neighbouring dwelling no.150

### 8.0 **CONSULTATION RESPONSES**

No consultations were sought regarding this application

### 9.0 **MAIN ISSUES**

- Principle of development
- Urban design issues
- Residential amenity
- Over Development
- Representations

### 10.0 **APPRAISAL**

#### Principle of development

10.1 The site is without notation in the UDP Proposals Map and Policy D2 (development of land without notation) of the UDP states:

'Planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]'. All these considerations are addressed latter in this assessment.

10.2 The general principle of making alterations to a property are assessed against Policies BE1, BE2, BE13 and BE14 of the Unitary Development Plan and advice within Chapter 7 of the National Planning Policy Framework regarding design. These require, in general, balanced considerations of visual and residential amenity, highway safety and other relevant material considerations. In addition Policy PLP24 of the Publication Draft Local Plan sets out a variety of 'design' considerations to take into account in the assessment of a planning application.

## Urban Design issues

- 10.3 The walls of the ground floor extension have been constructed from natural stone, save for the side elevation which is faced in render, so as to match that of the original dwelling. Equally, the single storey extension has been roofed in dark red double roman tiles again matching the host dwelling. As such this aspect of the scheme is considered to harmonises with that of the parent property.
- 10.4 In addition to the above, the single storey extension is small in scale, projecting by approximately 1.7m from the rear elevation of the original dwelling and having a total width of approximately 5.2m. As such the extension is considered to be modest in scale thereby complying with guidance contained with Policy BE14 of the UDP and Policy PLP24 of the publication draft Local Plan. As the extension is located to the rear of the dwelling it would not create a prominent feature in the streetscape. This assessment has taken into account that the ridge of the extension extends above the eaves of the original building to meet the base of the dormer extension above.
- 10.5 Alternatively the dormer extension is considered a large addition, spanning the width of the roof space and projecting from the ridge, forgoing a separating distance between the ridge and the top of the dormer. It is also noted that the dormer is clad in dark grey upvc, a construction material not common to this dwelling or others within the immediate vicinity. Equally, it is also noted that dormer extensions are not a common architectural design within the area.
- 10.6 Notwithstanding the preceding paragraph, the proposed dormer is located the rear of the dwelling and as such is not readily visible. Equally, owing to the siting of the dormer, it does not create a prominent feature within the streetscape. As such the departure from the architectural style of the surrounding area and alternative construction materials, in this instance, are considered acceptable. Policy BE15 of the UDP regarding dormer extensions only relates to dormers on the 'front or main elevations' of dwellings. As such it is not a material consideration in the assessment of this application. It is also identified that a dormer extension of this size could be constructed under permitted development rights, contributing a cubic content to the original roof space of approximately 24.8m<sup>3</sup> (subject to meeting the conditions with the General Permitted Development Order 2015) (GPDO). Given the above considerations it is considered that the design of the proposed scheme is acceptable.
- 10.7 The dormer and the rear extension combined would substantially increase the size of the dwelling within a limited plot. However, the majority of the amenity space would be retained and from public viewpoints the appearance of the dwelling would be largely unchanged. It is considered that the development would not result in an overdevelopment of the site and that to conclude it would comply with Policies D2, BE1, BE2, BE13 and BE14 of the UDP, Policies PLP1 and PLP24 of the PDLP and guidance contained within the NPPF.

### Residential Amenity

- 10.8 The single storey rear extension and rear dormer extension have been assessed with regard to residential amenity and is considered acceptable. Although the development would be built up from a shared wall with no.154 and would be visible from a communal passageway with no.150 it would not bring the considered dwelling any closer to neighbouring properties.
- 10.9 However, it is noted that the extension has the potential to create a 'tunnelling effect', shadowing the rear window no.154. As such, particular attention has been paid to this aspect of the development. Owing to the fact that the garden is south east facing and that the extension projects by only 1.7 metres it is not anticipated that the development would contribute significant levels of shading. Equally, it is not believed that the extension would have a greater impact on the rear window of no.154 than its existing garden conservatory,
- 10.10 It is also noted that the rear dormer contains two habitable room windows. However, owing to their orientation, perpendicular to the private amenity space of no.150 and no.154, they do not offer direct views. Furthermore, neighbouring dwellings to the rear of the application site, nos. 13 and 15 Oak Avenue are bungalows and as such the dormer does not face directly toward any habitable room windows. Notwithstanding the above it is identified that a dormer of this scale and containing windows in the rear elevation could be constructed under permitted development rights (subject to meeting relevant criteria).
- 10.11 Although the above development is considered acceptable in terms of residential amenity any further development to the dwelling may result in an overdevelopment of the site which would result in harm to the amenities of nearby residents. As such a condition will be attached to any permission advising the removal of permitted development rights for extensions and outbuildings.
- 10.12 Give the above it is concluded that the proposal would not result in any material harm to the amenity enjoyed by the occupiers of neighbouring dwellings. The proposal is therefore deemed to comply with Policies D2 and BE14 of the UDP, Policy PLP24 of the PDLP and paragraph 17 of the NPPF

### Highway issues

- 10.18 Although the proposed scheme provides the dwelling with an additional two bedrooms, due to the overall size of the dwelling, it is not anticipated that this will give rise to greater vehicular traffic or the need for additional parking provision.
- 10.19 In addition to the above it is noted that the scheme does not propose any alteration to the existing parking and access arrangements of the dwelling. As such the proposal is not considered to give rise to any highway safety concerns, thereby complying with guidance contained within Policy T10 of the UDP.



## Representations

10.20 One public representation was received regarding this application. Below are the issues raised within representations that have not been addressed within the above assessment.

- The dormer has not been designed in accordance with Kirklees Council Planning Services 'Householders guide to dormer and other roof extensions'

**Response:** While it is acknowledged that the considered dormer extension has not been constructed with regard for the above document it is noted that the location of the dormer is to the rear and as such views of the dormer are limited. Consequently, the departure from the design guide is considered acceptable. The dormer policy in the UDP, BE15, does not relate to dormers to the rear of dwellings.

- The positioning of the first floor bathroom to the front of the dwelling resulting in a soil pipe travelling along the southwest elevation rather than the rear elevation.
- An increase in the number of pipes on the south west elevation, protruding into a communal passageway.
- The position of the boiler outlet on the south west elevation which emits steam in the direction of the neighbouring dwelling no.150

**Response:** Flues, soil and vent pipes on a dwellinghouse constitute permitted development under Part 1 of the GPDO. This would not negate the requirement to comply with any other legislation regarding these forms of development beyond the remit of planning legislation.

- The location of a new manhole cover in the shared passageway  
**Response:** This is not a material planning consideration but would not negate the requirement to comply with any other legislation regarding this work contained within other legislation.

10.21 Cllr McGuin requested the application be determined by sub-committee for the following reasons:

*The structure has been put up without permission that it was put up without conditions having been imposed on it and so that the residents can see clearly that a democratic voice has been heard in this process.*

**Response:** although the application before sub-committee seeks retrospective planning permission this is not a material planning consideration in the assessment of the scheme. The proposal is considered on its own merits as if no development had taken place. The details set out in the application form and the submitted plans are considered acceptable for the reasons set out in the appraisal above.

## Other Matters

10.22 No other matters to consider.

## **11.0 CONCLUSION**

11.1 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.

11.2 This application has been assessed against relevant policies in the development plan and other material considerations and it is considered that the development would constitute sustainable development and is therefore recommended for approval.

## **12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment)**

1. Development carried out in accordance of approved plans
2. Removal of PD rights for extensions and outbuildings.

### **Background Papers:**

Application and history files can be assessed at:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f93483>

Certificate of Ownership –Certificate A signed