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**Report of the Head of Planning and Development**

**HEAVY WOOLLEN PLANNING SUB-COMMITTEE**

**Date: 17-Mar-2022**

**Subject: Planning Application 2021/93665 Erection of front and rear dormers and roof alterations 3 Shirley Villas, Cartwright Street, Rawfolds, Cleckheaton, BD19 5LX**

**APPLICANT**

Andrew Filio

**DATE VALID**

27-Sep-2021

**TARGET DATE**

22-Nov-2021

**EXTENSION EXPIRY DATE**

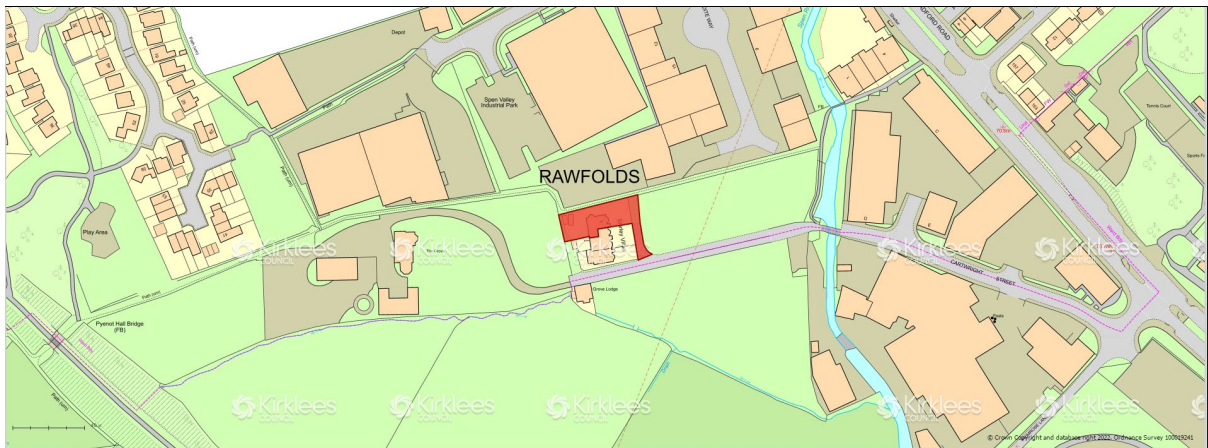
20-Dec-2021

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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.

[Link to Public speaking at committee](#)

**LOCATION PLAN**



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

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**Electoral wards affected: Cleckheaton**

**Ward Councillors consulted: No**

**Public or private: Public**

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**RECOMMENDATION: REFUSE**

1. Due to the scale and design, the proposed front and rear dormers and roof alterations do not respect the historical and architectural value of the host dwelling. The alterations would significantly alter the original front elevation thereby detrimentally affecting the historical contribution the building makes as a non-designated heritage asset. To permit the proposed development would fail to prevent harm to the historic environment, contrary to Policies LP24(a) and LP35 of the Kirklees Local Plan and advice within Chapter 16 of the National Planning Policy Framework.

2. The proposed front and rear dormers and roof alterations, by reason of their design and scale, would result in the formation of incongruous features which would not appear subservient to the host dwelling, and which would cause harm to the character of the host dwelling and the street scene. To permit the proposed development would be contrary to Policy LP24 of the Kirklees Local Plan, the principles and guidance within the Council's House Extensions and Alterations SPD, and advice within Chapter 12 of the National Planning Policy Framework.

**1.0 INTRODUCTION:**

1.1 This application is brought to Heavy Woollen Sub Committee at the request of Cllr Lawson.

1.2 "I wish to refer this application to Planning Committee. There is a history of negotiation and amendment to this application which I feel makes it an 'on balance' decision and appropriate for members to consider the impact on visual amenity to both the main house and character of the area".

1.3 The Chair of the Sub-Committee has confirmed that Cllr Lawson's reasons for the referral to the committee are valid having regard to the Councillor's Protocol for Planning Committees.

**2.0 SITE AND SURROUNDINGS:**

2.1 3 Shirley Villas is a Victorian two-storey end-terrace dwelling. It is faced in natural stone to the front and side elevations and red brick to the rear. The roof is a hipped design finished in slates.

2.2 There is amenity space to the front, side, and rear of the dwelling. There is off-street parking to the front and rear. There is a detached garage to the rear.

2.3 The applicant property forms part of a terrace of three similar dwellings.

2.4 The applicant property is located in the Green Belt on the Kirklees Local Plan (KLP), with fields to the front. To the north of the property is an area in industrial/commercial use, allocated for Employment use in the KLP (ES8). Public Right of Way SPE/115/50 runs along the northern boundary of the application site.

### **3.0 PROPOSAL:**

3.1 The applicant is seeking permission for the erection of front and rear dormers and roof alterations.

3.2 There would be two dormers to the front elevation, both measuring approximately 1.2m wide x 3.4m deep x 1.7m maximum height. They would have gable roof forms and are proposed to be finished in lead cladding with slates for the roof covering.

3.3 There would be one dormer to the rear. This would measure approximately 10.0m wide x 4.7m deep x 2.4m maximum height. It would have a flat roof form and would be finished in composite anthracite cladding.

3.4 The roof alterations consist of a hip-to-gable conversion. The gable would be built up in natural coursed stone to match the existing dwelling.

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

4.1 91/01414 – Erection of single storey extension. Refused – appeal upheld. (Grove Lodge, Cartwright Street).

4.2 99/90401 – Erection of 2 storey extension and conservatory extension. Conditional full permission. (The Grove, Cartwright Street)

4.3 99/91889 – Erection of double detached garage. Refused. (1 Shirley Villas).

4.4 2003/94185 - Erection of single storey extensions. Conditional full permission. (Grove Lodge, Cartwright Street).

4.5 2016/90894 – Erection of 5 no. units. Conditional full permission. (Luddite Way Business Park).

4.6 2018/91856 - Erection of single storey rear extension and demolition of existing extension. Conditional full permission. (2 Shirley Villas).

4.7 2021/93208- Erection of single storey rear extension and demolition of existing extension. Pending consideration. (2 Shirley Villas).

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

5.1 A boundary wall was originally included in the proposal; this was removed at the applicant's request and the description was changed accordingly. Officers raised concerns about the size and style of the dormers as initially proposed, and the "unbalancing" effect of the hip-to-gable conversion on the terrace, and the harm that would be caused to the dwelling which is considered a non-designated heritage asset by the LPA.

5.2 Amended plans were received showing the front dormer amended from one large flat-roofed dormer to two smaller “turret” style dormers. The agent requested that the application be determined based on these amended plans. However, the amended plans were considered not to overcome officers’ significant concerns.

## **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 statutory Development Plan for Kirklees is the Local Plan (adopted 27<sup>th</sup> February 2019).

### Kirklees Local Plan (2019):

6.2 **LP 1** – Achieving sustainable development  
**LP 2** – Place shaping  
**LP 21** – Highways and access  
**LP 22** – Parking  
**LP 23** – Core walking and cycling network  
**LP 24** – Design  
**LP 30** – Biodiversity & Geodiversity  
**LP 31** – Strategic Green Infrastructure Network  
**LP 51** – Protection and improvement of air quality  
**LP 52** – Protection and improvement of environmental quality  
**LP 53** – Contaminated and unstable land  
**LP 57** – The extension, alteration or replacement of existing buildings in the Green Belt

### Supplementary Planning Guidance / Documents:

6.3 Kirklees Council has adopted Supplementary Planning Documents (SPDs) for guidance on house building, house extensions, and open space, to be used alongside existing, previously adopted SPDs. These carry full weight in decision making and are now being considered in the assessment of planning applications. The SPDs indicate how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the KLP and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and wider area. As such, it is anticipated that these SPDs will assist with ensuring enhanced consistency in both approach and outcomes relating to development.

6.4 In this case, the following SPDs are applicable:

- Highways Design Guide SPD (adopted 4<sup>th</sup> November 2019)
- Biodiversity Net Gain Technical Advice Note (adopted 29<sup>th</sup> June 2021)
- House Extensions and Alterations SPD (adopted 29<sup>th</sup> June 2021)

## National Planning Policy Framework

- 6.5 **Chapter 9** – Promoting sustainable transport  
**Chapter 12** – Achieving well-designed places  
**Chapter 13** – Protecting Green Belt land  
**Chapter 14** – Meeting the challenge of climate change, flooding and coastal change  
**Chapter 15** – Conserving and enhancing the natural environment

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

7.1 The application was advertised by neighbour letter, site notice and in the press due to the close proximity to a Public Right of Way (SPE/115/50).

7.2 As a result of the above publicity, no representations have been received.

### **8.0 CONSULTATION RESPONSES:**

#### **8.1 Statutory:**

None

#### **8.2 Non-statutory:**

- KC Conservation & Design: Do not support the proposal due to the impact on a non-designated heritage asset.
- Kirklees Council Strategic Waste: Provided landfill gas monitoring levels - this will be discussed in the “Other matters” section of the report.

### **9.0 MAIN ISSUES**

- Principle of development
- Impact on the Green Belt
- Impact on visual amenity and historic environment
- Impact on residential amenity
- Impact on highway safety
- Other matters
- Representations

### **10.0 APPRAISAL**

#### Principle of development

10.1 The site is within the Green Belt in the KLP. As such it will be assessed having regard to Policy LP57 and Chapter 13 of the NPPF, which advise that developments in such areas should be considered having regard to their impact on the openness of the Green Belt and the extent to which the existing building remains the dominant element. It also requires that extensions should not create disproportionate additions.

- 10.2 The NPPF and the KLP both support limited extensions to buildings within the Green Belt. However, for extensions within the Green Belt to be considered acceptable, it is essential that they should neither prejudice the open character of the Green Belt nor be discordant in themselves or in relation to the host property.
- 10.3 In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with Chapter 12 of the NPPF, regarding design.
- 10.4 The application site is located within the Strategic Green Infrastructure Network on the KLP. Consequently, the proposal also needs to be considered against the requirements of KLP Policy LP31 which seeks to safeguard and enhance green infrastructure networks, green infrastructure assets and the range of functions that they provide. It is considered that this proposal, which is for the erection of dormers and roof alterations to a domestic property, will reasonably meet the requirements of this policy. It would not lead to the loss of any planting or 'greenery' as there would be no increase in the footprint of the building; it seems unlikely that it would adversely affect the ecological value of the area as the site is not known to be the habitat of any protected flora or fauna (please see the "Other Matters" section for information relating to bats); and it would not affect the routes of any footways, cycleways or bridleways as none pass through the application site.
- 10.5 Policy LP35 of the KLP states: *"Proposals which would remove, harm or undermine the significance of a non-designated heritage asset, or its contribution to the character of a place will be permitted only where benefits of the development outweigh the harm having regard to the scale of the harm and the significance of the heritage asset."*
- 10.6 It continues: *"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:*
- a. ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets;...*
  - c. secure a sustainable future for heritage assets at risk and those associated with the local textile industry, historic farm buildings, places of worship and civic and institutional buildings constructed on the back of the wealth created by the textile industry as expressions of local civic pride and identity;"*
- 10.7 The dwelling has historic significance which is best expressed in the intact front elevation. Furthermore, the fields to the front are shown on historic OS maps dating from 1893 as "tenterfields". This refers to an area used for drying newly manufactured woollen cloth after "fulling" (cleansing of cloth to remove impurities and make it thicker), a practice which died out after the Industrial Revolution. It is likely these tenterfields were associated with the Rawfolds Woollen Mill. Given their close proximity to the tenterfields and the woollen mill, officers consider it likely the terrace of three dwellings known as Shirley Villas (which includes the application site) were constructed during the Victorian era "on the back of the wealth created by the textile industry".

- 10.8 Furthermore, government guidance explains that non-designated heritage assets are buildings or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets.
- 10.9 Kirklees Council has now (April 2021) commenced work on a year-long West Yorkshire initiative to establish a formal process to identify and evaluate candidate Non-designated Heritage Assets (NHDA) against relevant selection criteria. Therefore, although this process has not been completed, the property has merit to be considered as a non-designated heritage asset, given its connection to the local historic woollen industry and the historic significance of its intact front elevation.
- 10.9 The host dwelling has merit in being considered as a non-designated heritage asset, given its connection to the local historic woollen industry and the historic significance of its intact front elevation.
- 10.10 Chapter 16 of the NPPF emphasises the importance of conserving and enhancing the historic environment. Paragraph 203 states that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 10.11 In this instance, the KC Conservation & Design team consider that, in this case, the proposed front extensions and roof alterations would alter the intact front elevation of the host dwelling, which is historically significant. As such, the proposed erection of dormers to the front and rear and roof alterations would result in harm to the character of this property. Officers consider that the proposed front and rear dormers and roof alterations do not respect the historical and architectural value of the host dwelling. The alterations would significantly alter the original front elevation thereby detrimentally affecting the historical contribution the building makes as a non-designated heritage asset.
- 10.12 As the dwelling is not a designated heritage asset, there is no requirement to weigh the harm against the public benefits of the proposal (as per Paragraphs 201 and 202 of the NPPF).
- 10.13 In this case, the principle of development is considered unacceptable due to the harm to the non-designated heritage asset. The proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety. These issues along with other policy considerations will be addressed below.

#### Impact on the Green Belt

- 10.14 The proposed extension would introduce additional built development within the Green Belt. It is inevitable that this would have some effect on the character and openness of the Green Belt.
- 10.15 Based on Ordnance Survey maps, officers consider that the footprint of the original building is approximately 108 square metres. The cubic volume of the original building is considered to be approximately 945.5 cubic metres.

- 10.16 The property benefits from a detached garage to the rear. Given the close relationship of the garage to the host dwelling, and as it appears to have been constructed after 1948, this is considered to be an extension for the purposes of assessing the impact on openness. The footprint of the garage is approximately 25 square metres. Assuming an approximate height of 2.5m for the garage, the volume of the garage has been estimated by officers as approximately 62.5 cubic metres.
- 10.17 The proposed dormers and roof alterations would not increase the footprint of the dwelling. The front dormers would have a combined volume of approximately 4.2 cubic metres; the rear dormer would have a volume of approximately 54.1 cubic metres; and the hip-to-gable conversion would have a volume of approximately 38.4 cubic metres. The total volume of the proposed extensions to the dwelling would be approximately 96.7 cubic metres. This would equate to an increase of approximately 10.2% to the volume of the original building.
- 10.18 Therefore, cumulatively, the existing detached garage and proposed extensions would increase the volume of the original building by approximately 159.2 cubic metres, which is an increase of approximately 16.8% to the original building. As such, officers consider that the proposal would not represent disproportionate additions over and above the original building.
- 10.19 The NPPG states that, when considering the impact of development on the openness of the Green Belt, both spatial and visual aspects should be considered. As such volume calculations should not be the sole approach to assessing extensions in the Green Belt; it is also important to consider any visual impact. In terms of a visual assessment, this will be covered fully in the “Impact on Visual Amenity” section below.
- 10.20 Due to the scale and placement of the extensions proposed, it is considered that the effect on the Green Belt would be minimal. Accordingly, the proposals are considered in line with Chapter 13 of the NPPF and Policy LP57 of the KLP.

#### Impact on Visual Amenity

- 10.21 Policy LP24 states that extensions should be subservient to the original building, should be in-keeping with the existing building, and should respect and enhance the character of the townscape, heritage assets and landscape.
- 10.22 Chapter 12 of the NPPF emphasises the importance of good design. Paragraph 130 states that planning policies and decisions should ensure that developments: *“b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);”*
- 10.23 Paragraph 134 goes on to state that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides.



- 10.24 In terms of the front dormers, these are relatively sympathetic to the host dwelling, being small “turret” style dormers proposed to be finished in slates and lead cladding. It is noted that these dormers have been designed to comply with the detailed guidance for dormers in the Council’s House Extensions and Alterations SPD. However, officers consider that, given the intact front elevation of original dwelling and that there are currently no dormers within the row of properties, the proposed front dormers would appear out of keeping with the host property and neighbouring dwellings.
- 10.25 In terms of the rear dormer, officers consider that this would be of unsympathetic design. Flat roof dormers are not normally associated with dwellings of this age and style. The proposed dormer to the rear would introduce a feature which would erode the character of the host dwelling. Furthermore, it would be faced in composite anthracite cladding which is considered not in keeping with the host dwelling in terms of materials. Finally, it is considered that the rear dormer would be a bulky and dominant addition which would not be subservient to the roof scape and host dwelling.
- 10.26 In terms of the detailed guidance for dormers set out in the Council’s House Extensions & Alterations SPD, the proposed rear dormer would fail to comply as it would fail to relate well to the appearance of the house and existing roof (being a style of dormer not normally associated with dwellings of this age and style); would not be faced in materials similar to the existing house (the existing roof is covered in slates; the dormer is proposed to be faced in composite anthracite cladding); and would dominate the roof due to its size, flat-roof design, and bulk.
- 10.27 In terms of the hip-to-gable conversion, officers consider that this would detrimentally impact the intact front elevation of the host dwelling and would eliminate a key design feature, causing harm to the character of the host dwelling. The gable roof would be visible from the principal elevation as an incongruous design feature, resulting in a visual unbalancing effect and loss of symmetry to the terrace of three dwellings, thereby causing harm to the character of the host dwelling and street scene.
- 10.28 It is acknowledged that permitted development rights are intact at the application site. The submitted plans (ref: PP-017 Fall Back Position) indicate that the hip-to-gable and a smaller rear dormer could be constructed under permitted development. However, officers note that the applicant property is an end-terrace dwelling. Terraced dwellings can increase their roof space by up to 40 cubic metres under permitted development. The submitted plans assume that the property could increase the roofspace by up to 50 cubic metres under permitted development (as is possible for all other dwelling types). Officers have calculated the approximate volumes of the proposal as follows:
- Rear dormer: 54.1 cubic metres
  - Hip to gable: 38.4 cubic metres
- 10.29 Therefore, given the above, only the proposed hip-to-gable could be constructed under permitted development. In terms of a fall-back position, this is extremely limited in this case because of the overall volume of the extensions proposed. Furthermore, it has not been demonstrated how the current proposal would represent better design over and above what could be constructed under permitted development. As such, officers consider that the fall-back position can only be granted limited weight in the planning balance against the harm to visual amenity and the harm to the non-designated heritage asset.

10.30 Having taken the above into account, the proposed development would result in significant harm to the visual amenity of the host dwelling and would have a detrimental impact on the visual amenity of the neighbouring properties on the terrace as it would be out of character. The proposal thereby fails to comply with Policy LP24 (a) and (c) of the KLP, Key Design Principles 1 and 2 and the detailed guidance in the Council's House Extensions and Alterations SPD, and the aims of Chapter 12 of the NPPF.

#### Impact on Residential Amenity

10.31 Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account Policy LP24 (b), which sets out that proposals should promote good design by, amongst other things, providing a high standard of amenity for future and neighbouring occupiers.

10.32 *Impact on 2 Shirley Villas:* This is the adjoining property to the south of the application site. The proposed hip-to-gable conversion would be located to the opposite side of the applicant property and as such would have no impacts on this neighbour. The proposed dormers to the front and rear would have no significant overshadowing or overbearing impacts on this neighbour, given their nature and location. It is acknowledged that the proposed dormers would look over amenity space to the front and rear of 2 Shirley Villas. However, the garden is not a primary habitable space, and the existing windows to the front and rear of the host dwelling already overlook the amenity space of this neighbouring dwelling. As such, it is considered that there would be no significant overlooking impacts on this neighbour over and above the existing situation on site. Officers are satisfied that there would be no significant detrimental impacts on the residential amenity of 2 Shirley Villas.

10.33 *Impact on The Grove, Cartwright Street:* This is the neighbouring property to the rear (east) of the application site. Given that a distance of approximately 95m would be maintained between the rear elevation of the applicant property and the eastern elevation of this neighbouring property, officers consider that there would be no significant detrimental impacts on the residential amenity of The Grove, Cartwright Street.

10.34 *Impact on Unit 17, Luddite Way Business Park:* This is not a residential property; therefore, there would be no detrimental impact on residential amenity as a result of the proposal.

10.35 There are no neighbouring properties to the front.

10.36 Having considered the above factors, it is considered that this proposal would not result in any significant adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the KLP and Paragraph 130 (f) of the NPPF.

### Impact on Highway Safety

- 10.37 The proposed dormers and roof alterations would not increase the footprint of the dwelling and would accommodate a master bedroom suite with walk-in wardrobe and en-suite, and a games room/gym. The number of bedrooms would remain as 4 due to internal alterations. The proposed development is therefore unlikely to result in an increase in the domestic use of the dwelling and would not affect the existing parking arrangements at the site (parking for at least 4 cars to the front of the dwelling). The current parking arrangements are considered sufficient and would maintain appropriate access and off-street 'in curtilage' parking.
- 10.38 Therefore, the scheme would not represent any additional harm in terms of highway safety and as such complies with Policies LP21 and LP22 of the KLP, Key Design Principle 15 of the Council's House Extensions and Alterations SPD, the guidance within the Council's Highways Design Guide SPD, and Chapter 9 of the NPPF.

### Other Matters

- 10.39 *Public Right of Way:* Footpath SPE/115/50 runs along the northern boundary of the application property. Given that the host dwelling is separated from the PROW by over 6.0m and that there is an elevation difference, it is considered that the extension would not have a significant impact on the amenity of its user in this instance, according with Policy LP23 of the KLP.
- 10.40 *Landfill Gas:* KC Strategic Waste have reviewed the application and highlighted that there are two closed landfill sites within 250m of the application site. However, given the nature of the proposal (dormers and roof alterations), there would be no groundworks. As such, it is considered unnecessary to attach landfill gas conditions should members be minded to approve. The proposal would comply with the aims of Policy LP53 of the KLP and Chapter 15 of the NPPF.
- 10.41 *Ecology:* The site is located within a bat alert layer. A bat survey was not requested in this instance as the proposal was considered unacceptable. As such, officers considered it an unreasonable expense to request a bat survey in this case. However, the proposal involves work to the main roof of the dwelling, which is over 100 years old and is located close to water and woodlands. Therefore, should members be minded to approve the application, it is considered that a bat survey should be secured pre-determination. This accords with the aims of Policy LP30 of KLP, Key Design Principle 12 of the Council's House Extensions and Alterations SPD, the Council's Biodiversity Net Gain Technical Advice Note, and Chapter 15 of the NPPF.
- 10.42 *Carbon Budget:* The proposal is a small-scale domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which would need to be adhered to as part of the construction process which would require compliance with national standards. For this reason, the proposed development is considered to comply with Policies LP51 and LP52 of the KLP and Chapter 14 of the NPPF.

## Representations

10.43 No representations have been received.

### **11.0 CONCLUSION**

- 11.1 This application to erect front and rear dormers and roof alterations at 3 Shirley Villas, Cartwright Street, Rawfolds, Cleckheaton, has been assessed against relevant policies in the development plan as listed in the policy section of the report, the NPPF and other material considerations.
- 11.2 The proposed front and rear dormers and roof alterations are not supported by the Kirklees Council Conservation & Design team as the proposal does not respect the character of the host dwelling, which is considered a non-designated heritage asset, or the surrounding area. The proposed front dormers and roof alterations would alter the intact front elevation of the host dwelling, which is historically significant. To permit the proposed development would fail to prevent harm to the historic environment, contrary to Policies LP24(a) and LP35 of the KLP and advice within Chapter 16 of the NPPF.
- 11.3 The proposed front and rear dormers and roof alterations, by reason of the design and scale, would result in the formation of incongruous features which would not be subservient to the host dwelling, and which would cause harm to the character of the host dwelling and the street scene. To permit the proposed development would be contrary to Policy LP24 of the KLP, the principles and guidance within the Council's House Extensions and Alterations SPD, and advice within Chapter 12 of the NPPF.
- 11.4 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. As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development proposals do 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.

### **Background Papers:**

Application and history files.

[Link to planning application](#)

Certificate of Ownership – Certificate B signed (notice served on owners of 1 & 2 Shirley Villas).