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

**HEAVY WOOLLEN PLANNING SUB-COMMITTEE**

**Date: 28-Apr-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**

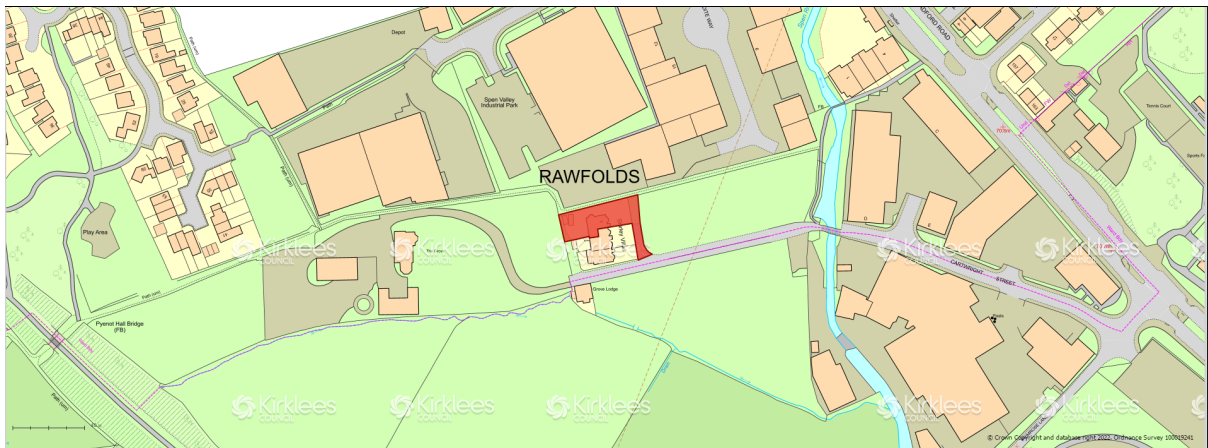
20-Dec-2021

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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: APPROVE**

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

**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.
- 1.4 This application was deferred at the Planning Sub-Committee meeting on 17<sup>th</sup> March 2022 for a site visit. In the interim, the agent submitted further amended plans (unsolicited), principally replacing the flat roofed dormer to the rear with two smaller pitched-roof dormers. The amended scheme is considered acceptable by officers (including the Conservation & Design team) as it would no longer cause significant harm to the historic environment or visual amenity. As such, officers’ recommendation is now for approval.

**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 1.6m wide x 3.8m deep x 2.0m 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 two dormers to the rear elevation, both measuring approximately 1.6m wide x 3.8m deep x 2.1m maximum height. They would have gable roof forms and are proposed to be finished in lead cladding with slates for the roof covering.

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 flat-roofed dormers 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. Amended plans were received showing the front dormer amended from one large flat-roofed dormer to two smaller “turret” style dormers.

- 5.2 This application was brought to the Planning Sub-Committee meeting on 17<sup>th</sup> March 2022 and was deferred for a site visit. In the interim, the agent submitted further amended plans (unsolicited), principally replacing the flat roofed dormer to the rear with two smaller pitched-roof dormers and retaining the rear chimney. The amended scheme is considered acceptable by officers (including the Conservation & Design team) and as such the recommendation is now for approval. Re-advertisement was considered unnecessary as the proposed amendments reduced the level of development.

## **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: No objections to the amended proposal as it would no longer cause significant harm to the historic environment.
- 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 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, when taken as a whole, the revised plans would no longer cause significant harm to the heritage value of the dwelling. Although the proposed front dormers are slightly larger than the previous submission, given their sympathetic design and the retention of the original chimney to the rear, when assessing the scheme in its entirety officers consider that the proposed front and rear dormers and roof alterations would respect the historical and architectural value of the host dwelling. Moreover, the dwelling is not a designated heritage asset (it is not located in a Conservation Area and is not a Listed Building).
- 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 acceptable as the amended proposal would not cause significant 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. Each dormer would have a combined of approximately 4.1 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 54.8 cubic metres. This would equate to an increase of approximately 5.8% 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 117.3 cubic metres, which is an increase of approximately 12.4% 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 The proposed dormers are relatively sympathetic to the host dwelling, being traditional pitched-roof 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. The proposed dormers would reflect the character of the area and the surrounding buildings and the age, appearance, and materials of the existing house. Furthermore, the amended design has significantly reduced the bulk and massing of the proposal and a substantial area of the original roof would be retained to the front and rear. It is also noted that the proposed dormers have been located in line with existing openings at the host dwelling. The scale, design, materials, and detailing are in keeping with the host dwelling and the local character and are therefore considered acceptable from a visual amenity perspective.
- 10.24 In terms of the detailed guidance for dormers set out in the Council's House Extensions & Alterations SPD, the proposed dormers would comply as they would relate well to the appearance of the house and existing roof; would be designed in a style and materials similar to the appearance of the existing house and roof; would not dominate the roof or project above the ridge of the house; and would be set below the ridgeline of the existing roof and within the roof plane.
- 10.25 In terms of the hip-to-gable conversion, given that this element would not be highly visible and that the existing chimney would be maintained, officers consider that this would not cause significant harm to visual amenity and would be acceptable.
- 10.26 Having taken the above into account, the proposed development would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan, 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 National Planning Policy Framework.

#### Impact on Residential Amenity

- 10.27 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.
- 10.28 *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.

- 10.29 *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.
- 10.30 *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.
- 10.31 There are no neighbouring properties to the front.
- 10.32 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 any significant further 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. After a visual assessment of the building by the officer, the building appeared to be in good order, well-sealed, and unlikely to have any significant bat roost potential. Should members be minded to approve, an informative footnote would be added to the decision notice to provide the applicant with advice should bats or evidence of bats be found during construction. This accords with the aims of Policy LP30 of the 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 Given the acceptable design and lack of harm to the historic environment, and in terms of visual and residential amenity and highway safety, the proposed development is considered acceptable.
- 11.3 The National Planning Policy Framework has introduced a presumption in favour of sustainable development. The policies set out in the National Planning Policy Framework taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.4 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 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 Planning and Development)**

1. Time scale for implementing permission
2. Development to be carried out in accordance with the approved details
3. Materials

**Background Papers:**

Application and history files.

[Link to application details](#)

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