
Report of the Head of Planning and Development

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 02-Feb-2023

Subject: Planning Application 2022/93251 Erection of rear dormer (within a Conservation Area) 10, Cecil Street, Springwood, Huddersfield, HD1 4BD

APPLICANT

M Parwiz

DATE VALID

03-Oct-2022

TARGET DATE

28-Nov-2022

EXTENSION EXPIRY DATE

03-Feb-2023

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[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Newsome

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION: REFUSE

1. The formation of a flat-roofed dormer extension on the rear roof pitch would cause harm to the significance of the Springwood Conservation Area by introducing a large, dominant, modern element in a roofscape which has otherwise retained its simple and traditional appearance. The harm that would be caused is considered to be less than substantial, but no public benefit has been demonstrated to justify the harm caused, contrary to the aims of paragraphs 199-202 of the National Planning Policy Framework (NPPF). It is therefore considered that the development proposed would not accord with the aims of Chapter 16 of the NPPF, Policies LP2, LP24a and LP35 of the Kirklees Local Plan or Key Design Principles 1-2 of the Council's adopted House Extensions and Alterations SPD.

1.0 INTRODUCTION:

1.1 The application is brought to Huddersfield Planning Sub-Committee at the request of Ward Councillor Andrew Cooper who has provided the following reason:

"I don't believe this dormer would adversely affect the Springwood Conservation area."

1.2 The Chair of Huddersfield Planning Sub-Committee has accepted the reason for making this request, having regard for the Councillor's Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS:

2.1 The application relates to 10 Cecil Street which is a two-storey mid-terrace dwelling. The southern (front) elevation faces Cecil Street, and the northern (rear) elevation faces Back Cecil Street which is an unadopted shared access lane which separates the property from the rear gardens and yards of 45 - 47 Spring Street and an industrial building. These buildings to the north are all grade II listed.

The wider area consists mainly of parallel rows of terraced houses with an east-west orientation located within Springwood Conservation Area.

2.2 The property is constructed from stone with the rear extension built from artificial stone. The main roof is constructed from blue slate, along with the rear extension.

- 2.3 To the front of the property there is no garden where occupiers step straight out on to the footpath and with a small courtyard to the rear. The dwelling has a two-storey rear extension which is aligned to the north west as viewed from the rear.

3.0 PROPOSAL:

- 3.1 This is for the erection of a rear dormer, which is a re-submission of slightly modified proposal to a previously refused application.
- 3.2 The proposed rear dormer extension would be set back from the existing gutter line by 0.4 metres in the vertical plain and would be level with the existing ridge. The total width of the dormer would be 5.85 metres being set in from the side elevation of the dwelling by 0.1 metres each side. Visually it would span almost the full width of the rear elevation roof slope.
- 3.3 The proposed dormer walls would be clad with composite cladding with no details of the proposed windows.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 2002/91308 – Erection of 2 storey rear extension – Conditional Full Permission, granted 10th June 2002 and implemented
- 4.2 2014/91291 – Formation of rooflights - Conditional Full Permission, granted 25th July 2014
- 4.3 2022/91705 – Erection of a rear dormer – Refused 5th August 2022 for the following reason:-

'The formation of a flat-roofed dormer extension on the rear roof pitch would cause harm to the significance of the Springwood Conservation Area by introducing a large, dominant, modern element in a roofscape which has otherwise retained its simple and traditional appearance. The harm that would be caused is considered to be less than substantial, but no public benefit has been demonstrated to justify the harm caused, contrary to the aims of paragraphs 199-202 of the National Planning Policy Framework (NPPF). It is therefore considered that the development proposed would not accord with the aims of Chapter 16 of the NPPF, Policies LP24a and LP35 of the Kirklees Local Plan or Key Design Principles 1-2 of the House Extensions and Alterations SPD.'

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

- 5.1 The previous application was refused and this application has been submitted without pre-application discussion. However, the agent has again been informed of the previous reason for refusal, along with a potentially acceptable design suggestion, and of an appeal decision for a similar rear dormer within a Conservation Area which was refused and thereafter dismissed.

Amended plans were received in relation to changes to enable the roof of the two-storey extension to tie into the rear elevation of the dormer and an amended Heritage statement to reflect the current application. These did not fundamentally change the scale or appearance of the dormer applied for.

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 27th February 2019) and the Holme Valley Neighbourhood Development Plan (adopted 8th December 2021).

The site is within the Springwood Conservation Area as identified within the Kirklees Local Plan.

The site also lies within a Coal Referral Area but since the proposed development involves no groundworks a Coal Mining Risk Assessment was not sought.

6.2 Kirklees Local Plan (2019):

- **LP1** – Achieving sustainable development
- **LP2** – Place shaping
- **LP21** – Highway safety
- **LP22** – Parking
- **LP24** – Design
- **LP35** – Historic environment
- **LP52** – Protection and improvement of environmental quality

6.3 Supplementary Planning Guidance / Documents:

- House Extensions and Alterations 2021
- Highways Design Guide SPD

6.4 National Planning Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 20th July 2021, 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 12** – Achieving well-designed places
- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 16** – Conserving and enhancing the historic environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters, site notice and newspaper advertisement as having the potential to affect the setting of a Conservation Area. The final date for publicity expired 17th November 2022.

7.2 No representations have been received.

7.3 The revised plans were not re-publicised as these did not fundamentally alter the development originally applied for.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

K.C. Conservation and Design – recommended refusal on the previous planning application seeking largely the same scale and appearance of development.

8.2 Non-statutory:

None

9.0 MAIN ISSUES

- Principle of development
- Visual amenity and heritage issues
- Residential amenity
- Highway safety
- Other matters

10.0 APPRAISAL

Principle of development

10.1 The site is without notation on the Kirklees Local Plan. Policy LP1 of the Kirklees Local Plan 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.”

10.2 With specific regard to the Council’s adopted House Extensions and Alterations SPD the key design principles for consideration for this particular application 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 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 12: Natural environment

- Key design principle 15: Provision for parking
 - Key design principle 16: Provision for waste storage
- 10.3 The site is within Springwood Conservation Area. Section 72 of the Listed Buildings & Conservation Areas Act (1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of a Conservation Area. This is mirrored in Chapter 16 of the National Planning Policy Framework and also policy LP35 of the Kirklees Local Plan which states that harm to heritage assets should not be allowed without a proportionate justification.
- 10.4 When making a recommendation in respect of a planning application that might be considered to affect a Listed Building or its setting, attention must be given to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Planning Authority to ‘have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses’.
- 10.5 The aforementioned legislation, policies, principles and the relevant design guidance of the Council’s adopted House Extensions and Alterations SPD are considered within sections 2 and 3 of this report. 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

Visual amenity and heritage issues

- 10.6 Policies LP1, LP2 and LP24 of the Kirklees Local Plan are all relevant, as these policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development within the area and is visually attractive. With reference to extensions, Policy LP24(c) of the Kirklees Local Plan states these should be ‘subservient to the original building’ and ‘in keeping with the existing building in terms of scale, materials and details.’
- 10.7 These aims are also reinforced within Chapter 12 of the NPPF (Achieving well-designed plans) where paragraph 126 provides an overarching consideration of design stating that: *“the creation of high-quality buildings and places are fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”* Paragraph 130 of the NPPF states that planning decisions should ensure developments are sympathetic to local character. including the surrounding built environment.
- 10.8 Policy LP35 of the Kirklees Local Plan requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure that 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.

10.9 With regard to the Council's adopted House Extensions and Alterations SPD, Key Design Principles 1 and 2 are relevant which state:

- 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.”*

10.10 Section 5.4 of the SPD relates specifically to dormer windows and roof extensions. Sub-paragraph 5.24 states that:

“Roofs are a prominent and visible element of the street scene. Unsympathetic roof extensions and dormer windows can have a significant effect on the visual appearance of both the individual building and street scene. Poorly designed roof extensions and dormer windows can make a building appear top-heavy, cluttered and asymmetrical.”

10.11 Sub-paragraphs 5.25 and 5.26 go on to say that:

“The design of dormer windows and roof extensions should reflect the character of the area, the surrounding buildings and the age, appearance and materials of the existing house. Ideally, dormers should be located to the rear of a house and should be as small as possible with a substantial area of the original roof retained.”

“To assess whether a dormer window is appropriate on the front elevation, consideration should be given to the surrounding buildings in the street. Traditional vertical dormer windows usually complement the character and roof pitch of the existing house and will normally be acceptable. Modern flat roof dormers may be considered acceptable if they are well-designed, small in scale and appearance and are characteristic of the street scene.”

10.12 Sub-paragraph 5.27 states that 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 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.

10.13 It is considered that a high standard of design in relation to dormer roof additions should be reflected, especially where they are within a Conservation Area. In this case it is noted that the rear dormer would be seen from public viewpoints due to the rear access lane which is open to public vehicles and pedestrians. 10 Cecil Street is an unlisted mid-terraced dwelling dating to the mid/late-19th century and located within the Springwood Conservation Area. It backs onto the rear of another terrace, where the houses and a former works building are Grade II listed. The building is characteristic of the terraced houses within this Conservation Area, two storeys in height and constructed in coursed

natural stone with a slate roof and chimney stacks. The roofscape within this Conservation Area, both on front and rear elevations, retains its original simplicity and continuity. These are the principal elements that contribute to the Conservation Area's significance.

- 10.14 In this instance, the dormer proposed is large in scale and is considered to be an alien feature within the street scene where no other dormer openings are located within the rear roof slopes of this row of properties. Furthermore, the proposal is not considered to respect or enhance the character of the townscape contrary to Key Design Principle 1 of the Council's adopted House Extensions and Alterations SPD and Policy LP24 of the Kirklees Local Plan.
- 10.15 Several Listed Buildings are to the north of the site which is within Springwood Conservation Area. The proposal is of the same design, virtually the same scale as a previous refusal. The comments of the Conservation Team in relation to that refusal stated that inserting a large flat roofed dormer on the rear roof pitch will lead to less than substantial harm to the significance of the conservation area (the designated heritage asset) by introducing a large, dominant element in a roofline which is otherwise simple in nature. These comments are considered to be equally relevant to the consideration of this case. The design, scale and materials of the proposal are not considered to preserve or enhance the character of the Conservation area. In this case it is concluded that the rear dormer if approved, whilst being the first dormer on this row of properties, would not have an impact on the setting of the adjacent listed buildings, given the separation distance.
- 10.16 The proposed construction materials for the dormer would be clad with composite cladding. This is a synthetic alternative to timber, usually formed of wood fibre and plastic. This material is also considered to be unacceptable within the Springwood Conservation Area, as well as the size and scale of the proposal which would encompass almost all of the rear roof. The material would further exacerbate the incongruous appearance of the dormer within the Conservation Area.
- 10.17 The harm caused to the significance of the Conservation Area in this case is considered to be less than substantial, but under paragraphs 199-202 of the NPPF even "less than substantial harm" must be justified by a public benefit, including, where appropriate, securing its optimum viable use. No such public benefit, have been put forward or demonstrated.
- 10.18 The proposed rear dormer should also be taken in context with the existing rear 2-storey extension. The cumulative impact of this, combined with the proposed dormer extension, would result in a development which would not be subservient to the host property due to the overall size, scale and massing with the works. This would result in an unsympathetic, over-dominant and incongruous form of development which would harm the character and appearance of the host building. To permit the development would be contrary to Policies LP24 of the Kirklees Local Plan, Key Design Principles 1 and 2 and detailed guidance in section 5 of the Council's adopted House Extensions and Alterations SPD and policies within Chapter 16 of the National Planning Policy Framework.

Residential amenity

10.19 Sections B and C of policy LP24 of the KLP states that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

10.20 Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

10.21 The Council’s adopted House Extensions and Alterations SPD sets out a number of design principles which will need to be considered when assessing a proposal’s impact on residential amenity. These include:

- Principle 3 - that *“extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours.”*
- Principle 4 - that *“extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light, and outlook.”*
- Principle 5 - that *“extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property.”*
- Principle 6 - that *“extensions and alterations should not unduly reduce the outlook from a neighbouring property.”*
- Principle 7 - that *“extensions and alterations should ensure an appropriately sized and useable area of private outdoor space is retained. Normally at least half the garden area should be retained as part of the proposals.”*

10.22 The application site is a mid-terrace property with the attached neighbours to the east & west, No’s. 8 & 12 Cecil Street.

10.23 With regards to overlooking, the existing established separation distances would not be reduced as a result of the proposed dormer extensions, retained at a distance of 28 metres, which exceed the 21 metres as advised within Key Design Principle 3 of the SPD and therefore there are minimal concerns.

10.24 In terms of the impact on the attached neighbours either side of the property from the proposed dormer extensions, this would be limited due to the dormer being located within the confines of the existing roof slope.

10.25 In terms of the amenity of existing/future occupiers of the dwelling, the additional accommodation would provide more scope and flexibility for its occupants and help to achieve the potential of a ‘lifetime’ home. Whilst the Local Planning Authority have considered the private benefits of the proposal this approach has to be proportionate. The benefits to the occupiers of the dwelling do not outweigh other considerations in this case, including those set out within the previous section of this report, which conclude that the proposal would impact negatively on the built environment.

- 10.26 Key Design Principle 7 of the SPD requires that extensions ensure that appropriately sized and usable areas of outdoor space are retained. In this instance, there are no proposed alterations to the footprint of the building and therefore the works would retain the outdoor amenity space, as existing. It is therefore considered that the development would comply with this principle.
- 10.27 It is considered the impact of the development in regard to residential amenity of neighbouring and future occupiers would be acceptable.

Highway safety

- 10.28 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. Principle 15 of the Council's adopted House Extensions and Alterations SPD states that: "*Extensions and alterations should maintain appropriate access and off-street 'in curtilage' parking.*" Principle 16 seeks to ensure adequate bin storage arrangements are in place.
- 10.29 The submitted floor plans indicate that the size of the property would increase from being a 3-no. bedroom property to a 4-no. bedroom property.
- 10.30 Key Design Driver 20 of the Highways Design Guide SPD states that:

Kirklees Council has not set local parking standards for residential and non-residential development. However, as an initial point of reference for residential developments (unless otherwise evidenced using the criteria in Para. 5.1), it is considered that new:

- *dwellings of 4 or more bedrooms have at least three off-street spaces*

- 10.31 The works to the property would not increase the footprint of the property with all the works being located above ground floor level. As such, there would be no alterations to the existing parking arrangements. Albeit the property does not benefit from any off-street parking, Cecil Street is residents permit only. Furthermore, the property is highly accessible being close to the edge of the Town Centre, it is considered unlikely that the increased living accommodation would lead to an increase in parking demand.
- 10.32 The waste storage arrangements for the dwelling would remain unaffected by the development, and the impact in this regard is not considered to be significant, in accordance with key design principle 16 of Council's adopted House Extensions and Alterations SPD.
- 10.33 Therefore, the current situation is considered to be acceptable, and the proposal is concluded to be acceptable having regard to policy LP22 of the Kirklees Local Plan, Key Design Principles 15 and 16 of the Council's adopted House Extensions and Alterations SPD and Key Design Driver 20 of the Council's adopted Highways Design Guide SPD.

Other Matters

Climate change

- 10.34 On 12th November 2019, the Council adopted a target for achieving ‘net zero’ carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.
- 10.35 Principle 8 of the Council’s adopted House Extensions and Alterations SPD relate to planning for climate change. Principle 8 (Energy Efficiency) states: *“Extensions and alterations should, where practicable, maximise energy efficiency.”*
- 10.36 Due to the nature of the proposal, it is not considered reasonable to require the applicant to put forward any specific measures to be incorporated. Given the nature of the development for which consent is being sought, and the requirements of building regulations for development of this nature it is considered the development would likely lead to a small-scale improvement in relation to the insulation to, and thereby reduce heat loss from, the roof. This is considered acceptable and in accordance with Chapter 14 of the NPPF as well as Key Design Principle 8 of the Council’s adopted House Extensions and Alterations SPD.

Coal Mining Legacy

- 10.37 The site is located within area which is at high risk of ground movement as a result of past mining activities. Whilst falling within a high-risk area the Coal Authority was not notified given that the proposal was for a rear dormer extension and is a development identified by the Coal Authority as being exempt from the requirement for a coal mining risk assessment to be undertaken.

11.0 CONCLUSION

- 11.01 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.
- 11.02 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 application of policies in the NPPF that protect area or assets of particular importance provides a clear reason for refusing the development proposed.

11.03 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.

Background Papers:

Application and history files.

[Link to planning application](https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2F93251)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2F93251>

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