

# **CALDERDALE METROPOLITAN BOROUGH COUNCIL**

## **PLANNING COMMITTEE**

### **WARDS AFFECTED: MORE THAN THREE**

**Date of meeting: 25 October 2022**

**Chief Officer: Director of Regeneration and Strategy.**

#### **1. SUBJECT OF REPORT**

APPLICATIONS FOR DETERMINATION RE PLANNING PERMISSION, LISTED BUILDING CONSENT/CONSERVATION AREA CONSENT, LOCAL AUTHORITY APPLICATIONS, CROWN APPLICATION OR CONSENT TO FELL PROTECTED TREES

- (i) Executive Summary
- (ii) Individual Applications

#### **2. INTRODUCTION**

- 2.1** The attached report contains two sections. The first section contains a summarised list of all applications to be considered at the Committee and the time when the application will be heard. Applications for Committee consideration have been identified in accordance with Council Standing Orders and delegations.
- 2.2** The second section comprises individual detailed reports relative to the applications to be considered.
- 2.3** These are set out in a standard format including the details of the application and relevant planning site history, representations/comments received arising from publicity and consultations, the officers assessment and recommendation, with suggested conditions or reasons for refusal, as appropriate.
- 2.4** Where the Committee considers that a decision contrary to the recommendation of the Director of Regeneration and Strategy may be appropriate, then consideration of the application may be deferred for further information.
- 2.5** Where a Legal Agreement is required by the Committee, the resolution will be "Mindful to Permit Subject to a Legal Agreement being completed", combined with a delegation to the Director of Regeneration and Strategy.

### **3. IMPLICATIONS ARISING FROM REPORT**

#### **3.1 Planning Policies**

These are set out separately in each individual application report.

#### **3.2 Sustainability**

Effective planning control uses the basic principle of sustainable development by ensuring that development meets the needs of the present without compromising the ability of future generations to meet their own needs. Through the development control system, the Council can enable environmental damage to be minimised and ensure that resources are used efficiently and waste minimised. Particular sustainability issues will be highlighted in individual reports where appropriate.

#### **3.3 Equal Opportunities**

All applications are considered on their merits having regard to Government guidance, the policies of the Development plan and other factors relevant to planning. This will be done using the Development Control Code of Conduct for officers and members as set out in the Council's Standing Orders.

In the vast majority of cases, planning permission is given for land, not to an individual, and the personal circumstances of the applicant are seldom relevant.

However, the Council has to consider the needs of people with disabilities and their needs are a material planning consideration. Reference will be made to any such issues in the individual application reports, where appropriate.

The Council also seeks to apply good practice guidance published in respect of Race and Planning issues.

#### **3.4 Finance**

A refusal of planning permission can have financial implications for the Council where a subsequent appeal is lodged by the applicant in respect of the decision or if a case of alleged maladministration is referred to the Local Government Ombudsman or a Judicial Review is sought through the Courts.

In all cases indirect staff costs will be incurred in processing any such forms of 'appeal'.

There is no existing budget to cover any direct costs should any such 'appeal' result in 'costs' being awarded against the Council. These would have to be found by way of compensatory savings from elsewhere in the Planning Services budget.

Reference: 6/00/00/CM

Richard Seaman  
For and on behalf of  
Director of Regeneration and Strategy

**FOR FURTHER INFORMATION ON THIS REPORT CONTACT:**

Richard Seaman  
Corporate Lead  
For Planning Services

TELEPHONE :- 01422 392241

**DOCUMENTS USED IN THE PREPARATION OF THIS REPORT:**

1. Planning Application File (numbered as the application show in the report)
2. National Planning Policy and Guidance
3. Calderdale Development Plan(including any associated preparatory documents)
4. Related appeal and court decisions
5. Related planning applications
6. Relevant guideline/good practice documents

**DOCUMENTS ARE AVAILABLE FOR INSPECTION AT:**

[www.calderdale.gov.uk](http://www.calderdale.gov.uk).

**You can access the Council's website at the Council's Customer First offices and Council Libraries.**

**List of Applications at Committee 25 October 2022**

<b>Time &amp; No.</b>	<b>App No.</b>	<b>Location</b>	<b>Proposal</b>	<b>Ward</b>	<b>Page No.</b>
14.00	22/00566/FUL	114 Queens Road King Cross Halifax Calderdale HX1 3XY	Front and rear dormer and refurbishment following fire damage (Revised Scheme to 22/00107)	Park	5 - 10

Time Not Before: 14.00

Application No: 22/00566/FUL

Ward: **Park**

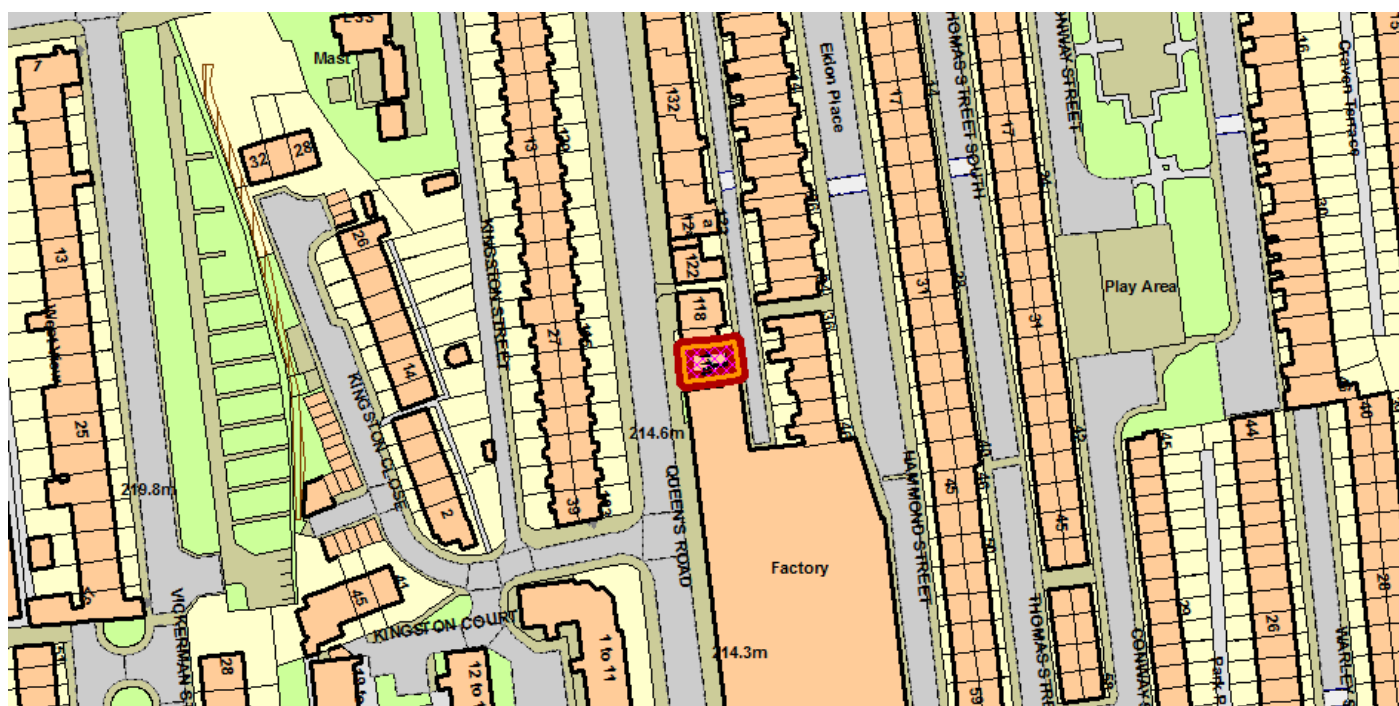
Area Team: **North Team**

Proposal:

**Front and rear dormer and refurbishment following fire damage (Revised Scheme to 22/00107)**

Location:

**114 Queens Road King Cross Halifax Calderdale HX1 3XY**



Applicant:

**Mr Mohammed Ashraf**

Recommendation: **PERMIT**

Parish Council Representations: N/A

Representations: No

Departure from Development Plan: No

Consultations:

Environmental Health Services - Pollution Section (E)

Highways Section

## **Description of Site and Proposal**

The site is in mixed use, with the ground floor last being used as a shop and the first and second floors/roof space being a single dwelling. Currently the internals and roof are fire damaged and in need of repair. The site is the end of a small 3 dwelling terrace, but in the wider context is a part of the larger Queens Road terrace, being separated only by small ginnels. It features stone external walls found throughout Park Ward and currently has an undisturbed roofscape. The east side of the street is predominantly commercial uses, with the street level being mostly shop fronts. On the west side it consists of a terrace of two-storey dwellings.

Park Ward at large can be characterised by its roofscape's lack of cohesion in relation to its design, with dormers of all shapes, sizes, and materials being found in close proximity. Queens road is no exception with 4-5 different examples of dormer design being found on the small section that is adjacent to the application site.

The application seeks planning permission for one rear dormer window extension, and two smaller front facing dormer windows. The rear dormer would be flat roofed and ending just below the ridge line. The front dormers would be small peaked roof dormers. It is a re-submission following a previous refusal and the design of the dormers has been altered to address the reason for refusal.

Further amended plans have been submitted during this application. The original proposal was considered to be too large and the front dormers have now been reduced.

**The reason that the application has been brought to Committee is because a written request, giving planning reasons, has been made by a Councillor concerning an application in their ward.**

## **Relevant Planning History**

An application for extension to rear, dormer to front and rear and refurbishment following fire damage was refused under delegated powers on 9 May 2022 (application number 22/00107/FUL). The application also included a rear extension, although this was not included in the description for development. The reasons for refusal were that the dormers would create an incongruous feature in the streetscene due to the materials and prominent positioning, and the rear extension would be overbearing and result in a loss of outlook to the neighbour's habitable rooms.

## **Key Policy Context:**

<b>Replacement Calderdale Unitary Development Plan Designation</b>	Primary housing area
<b>Replacement Calderdale Unitary Development Plan policies</b>	<b>H2</b> Primary Housing Areas <b>GBE1</b> The Contribution Of Design To The Quality Of The Built Environment <b>BE1</b> General Design Criteria <b>BE2</b> Privacy, Daylighting and Amenity Space
<b>National Planning Policy Framework Paragraphs / National Design Guide</b>	5. Delivering a sufficient supply of homes 12. Achieving well-designed places
<b>Other Material Planning Considerations</b>	Emerging Local Plan Climate Emergency Declaration (Jan 2019)

## **Publicity/ Representations:**

The application was publicised with neighbour notification letters.

Five letters of objection (including Councillor Lynn's representation) were received.

## **Summary of points raised:**

Objection

- It would lead to unacceptable levels of overlooking and loss of privacy
- The design wouldn't respect the surrounding street scene
- Development would negatively impact visual amenity
- It would set a dangerous precedent in the area
- The cause of the fire (not a material planning consideration)
- The owner has other properties on Queens Road (not a material planning consideration)

## **Ward Councillor Comments**

Councillor Lynn requests that the application is referred to Planning Committee if the recommendation is to permit and makes the following comments:

"I am writing to confirm that I wish to object to the above application, which I believe will be detrimental to the amenity of neighbouring properties, as well as being out of keeping with the visual appearance of the streetscape.

For this reason, I would be grateful if this application could be presented to the Planning Committee for determination, if you are minded to recommend approval"

## **Parish/Town Council Comments**

The development is not located within a parished area.

## **Assessment of Proposal**

### **Principle of Development**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) compliments this requirement. The revised NPPF was last updated on 20 July 2021 and sets out the Government's planning policies for England and how these are expected to be applied, alongside other national planning policies. Paragraph 219 of Annex 1 (Implementation) of the NPPF advises to the effect that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the NPPF policies, the greater the weight they may be given.

The NPPF has a presumption in favour of sustainable development, which means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; [*for example...land designated as Green Belt...designated heritage assets*]) or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

RCUDP Policy H2 establishes that within Primary Housing Areas the extension of existing housing is acceptable “provided no unacceptable environmental, amenity, traffic or other problems are created and the quality of the housing area is not harmed, and wherever possible, is enhanced”.

It is considered that the proposed development would not create any problems and, because the design is appropriate, it would not harm the quality of the housing area. Therefore the proposed development would comply with Policy H2 and it is acceptable in principle.

### **Layout, Design and Materials**

RCUDP Policy BE1 and National Design Guidance call for development to make a positive contribution to the quality of the existing environment or, at the very least, maintain that quality by means of high standards of design.

Along Queens Road, the streetscene consists of stone terraces with a mixture of shop fronts and dwellings at street level, and a variety of dormers along the roofscape. Those dormers with planning permission are small scale with pitched roofs i.e. 129, 133, 141 and 142 Queens Road. There are also a mixture of dormers on the rear of buildings in the area, which tend to be larger than those on the front and have a flat roof.

The front elevation would gain two small dormers with peaked roofs and ridgelines perpendicular to the main dwellings. They would be clad in dark grey uPVC with a tiled roof to match the existing, which would match the current tiles in colour and is a material choice found elsewhere on the street and further afield. The design is found on the terrace opposite.

The rear dormer would be larger and have a flat roof with a rubberised covering. It would have 3 separate windows, one to serve a bathroom and the other two would be for the hallway/staircase. The design is in keeping with other dormers in the area.

Both the rear and front dormers are of good design and are in keeping with the surrounding street scene, as such they would maintain the quality of the existing environment and it is considered that they would be compliant with Policy BE1.

### **Residential Amenity**

Policy BE2 states that development should not significantly affect the privacy, daylighting or amenity space of existing and prospective residents and other occupants. Annex A sets out guidelines to help assess whether such impacts arise.

The front dormers would serve bedrooms, which are described as secondary aspect windows in the RCUDP Annex A. The windows would be over 22m from the front elevation of the neighbour opposite, which would be greater than the minimum distance of 15m between secondary aspects as recommended in Annex A.

The rear dormer would overlook the rear of Eldon Place. The proposed windows would serve a bathroom and hallway. These windows would be approximately 16m from the rear facing neighbours, which is greater than the minimum distance set out in the RCUDP Annex A.



The roof of the application site is set back from the neighbour and so a dormer would have very limited views to its immediate north or south, the level of overlooking is further minimised by all proposed rear facing windows being to non-habitable rooms. Both of these mitigating factors would mean that the proposal would be considered to not have a significantly harmful impact on residential amenity of the immediate neighbours.

It is considered that the development is compliant with Policy BE2.

### **Highway Considerations**

RCUDP Policy T18 sets out maximum parking allowances for new development. The development would have 3 bedrooms and so the current provision of parking spaces would be sufficient and compliant with Policy T18.

### **CONCLUSION**

**The proposal is considered to be acceptable subject to the conditions specified below. The recommendation to grant planning permission has been made because the development is in accordance with the policies and proposals in the Replacement Calderdale Unitary Development Plan and National Planning Policy Framework set out in the 'Key Policy Context' section above and there are no material considerations to outweigh the presumption in favour of such development.**

Richard Seaman  
For and on behalf of  
Director of Regeneration and Strategy

Date: 12 October 2022

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### **Further Information**

Should you have any queries in respect of this application report, please contact in the first instance:-

Ben Greene (case officer) on 07510922129 or Claire Dunn (lead officer) on 07912891544

### **Conditions**

1. The development shall be carried out in accordance with the schedule of approved plans listed above in this decision notice, unless variation of the plans is required by any other condition of this permission
2. Before the first occupation of the dormer(s), the front(s) and cheek(s) of the dormer(s) including fascia boards and soffits (any trough, guttering and downpipes) hereby approved, shall be finished in dark materials (not white UPVC cladding), to similarly match the colour of the existing roof of the property, and shall be retained as such thereafter.
3. Before being first brought into use, the two dormers on the front elevation hereby permitted shall be constructed of roofing materials to match the existing building and shall be so retained thereafter.

## **Reasons**

1. For the avoidance of doubt as to what benefits from planning permission and to ensure compliance with the policies of the RCUDP and National Planning Policy Framework.
  2. To ensure the use of appropriate materials in the interests of visual amenity and to ensure compliance with the policies of the Replacement Calderdale Unitary Development Plan.
  3. To ensure the use of appropriate materials in the interests of visual amenity and to ensure compliance with Policy BE1 of the Replacement Calderdale Unitary Development Plan.
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