

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No: 2020/62/92370/E

Site Address: 112, West Royd Avenue, Mirfield, WF14 9LE

Description: Erection of single storey rear and side extensions and external alterations

Recommending Officer: Katie Wilson

DECISION – CONDITIONAL FULL PERMISSION

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Paul Dowd

AUTHORISED OFFICER

Date: 03-Dec-2020

Officer Report – 2020/92370

Site Description

112, West Royd Avenue, Mirfield is a two-storey semi-detached house dating from the 1970s or 80s. The walls are predominantly red brickwork with some white panels and stone on the front elevation. The roof is dual pitched, with gable ends to the side, and is surfaced in grey concrete tiles.

There is a small garden at the front with drive to the side leading to detached single garage and larger garden to the rear, which is enclosed by other gardens to all sides.

The land is relatively level and the wider area is residential in nature, with a mixture of designs and building materials in the neighbourhood.

Description of Proposal

Planning permission is sought to erect single-storey rear and side extensions and external alterations.

Single-storey rear extension:

- Rectangular footprint approximately 3.2m projection x 4.0m wide.
- Flat roof design, 3.1m overall height with lantern roof light in centre
- Windows and bi-folding or patio doors to the rear and south west facing side elevations.
- The walls would be brickwork to match the existing.
- It would provide space for enlarged dining room and snug.

Single-storey side extension:

- 'L-shaped' footprint projecting approximately 1.8m to the rear and 1.2m to the side it wraps around the western corner of the house.
- Mono-pitched roof around 2.5m to eaves level and 3.5m overall height.
- 2no high sill windows in the south west side elevation and 1 floor to ceiling window in the rear elevation together with a roof light.
- Wall and roof materials to match the existing.
- It would provide space for a utility and WC.

External alterations

- Recessed front door brought forward to be flush with front elevation
- New bow window to front elevation
- New canopy above ground floor doorway and window

History of negotiations/amendments received

Revised drawings were received, which included both side elevations and clarified roof design at rear

Relevant Planning History

None.

Representations

Final publicity date expiry: 4th September 2020. One representation received expressing the following points:

- The proposed rear extension is very close to the property border, will it have an overshadowing impact on adjacent land?
- Will it affect fence and vegetation on the boundary?
- Would it have a negative impact upon value of neighbouring houses?
- Will existing roof and guttering on rear elevation at ground floor level be adversely affected and who will pay?

Mirfield Town Council comments: None received.

Consultation Responses

No consultations took place during consideration of this application.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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).

The site is without notation on the Kirklees Local Plan.

Kirklees Local Plan (KLP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway Safety and Access
- **LP 22** - Parking
- **LP 24** - Design

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19th February 2019, 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 12 – Achieving well-designed places
- Chapter 15 – Conservation and enhancement of the natural environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity (including any heritage considerations)
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters – e.g. trees/ecology (e.g. bats)
- 6) Representations
- 7) Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP 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 NPPF. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

In this case, the principle of extending the existing dwelling is considered acceptable and shall be assessed against other material planning considerations below.

2 –Impact on visual amenity:

Chapter 12 of the NPPF sets out that decisions should ensure that, amongst other things, developments are sympathetic to local character, including the surrounding built environment (para.127 of the NPPF). Policy LP24 of the KLP expands on this further, setting out that good design should be at the core of all proposals in the district. With regard to extensions, it states under part c, that proposals should promote good design by ensuring ‘*extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details*’.

In this instance, aerial photos on the Kirklees planning system suggest that the original part of the building is as it stands without the single-storey extension at the back, which was a later addition. However, it is considered a relatively small extension and, whilst the current proposal would add some further massing to the rear and to the side, it is considered that the cumulative impact would remain subordinate to the scale of the original building.

In terms of materials and details, the external materials would be brickwork to match the existing and, whilst there are no details of the proposed surface materials for sloping roofs, these could be conditioned to match the existing.

With regards to the proposed bow window and canopy to the front, although this introduces new features that would be clearly seen from public places, given that there are a variety of extensions and alterations to numerous other houses in the neighbourhood, including porches and bow windows, it is considered that the current proposal would blend into the character of the area.

It is also noted that bringing forward the recessed front door to align with the front elevation of the house has already been done on the adjoining property and so would be more in-keeping. Furthermore, the use of bi-folding doors and floor-to-ceiling windows would bring a more contemporary style, which is acceptable.

Overall, it is considered that the proposal would promote good design and is compliant with policy LP24 of the KLP.

3 – Impact on residential amenity:

Policy LP24, part c, goes on to stipulates that extensions should *minimise the impact on residential amenity of future and neighbouring occupiers*.

In this instance, there would be four households potentially affected by the proposals; these are addressed below:

110 West Royd Avenue – This is a similar two-storey semi-detached house located to the south-west of the application site and its side elevation faces onto the side of the house at the application site.

In terms of overshadowing and overbearing impacts, although the proposed side extension would be closer to the shared boundary, it is single storey and so the impact would be relatively limited. The proposed rear extension is set in from the boundary by around 4.0m, which would provide some mitigation.

With regards to overlooking, windows in the side extension would have high sills and are for a utility room and WC, which are normally not in use for extended periods of time. Patio doors in the side elevation of the rear extension would be approximately 4.0m from the mutual boundary and the proposed block plan indicates that the existing detached garage may be removed. As such, the existing boundary fencing, which is approximately 1.8m high, would provide some screening, or fencing to 2.0m could be erected without requiring planning permission.

112a West Royd Avenue – This is the adjoining semi attached to the north-eastern side of the house at the application site. It also has a single-storey extension to the rear.

In terms of overbearing and overshadowing impacts, whilst the proposal has potential to cause some additional overshadowing impact, this would be restricted to that part which would protrude above the 2.0m high fencing, which could be erected along the boundary under permitted development

rights. This would be approximately an extra 1.0m projecting 3.0m beyond the existing single-storey rear extension at 112a West Royd Avenue. In officer's opinion, this additional impact would be relatively limited.

With regards to overlooking potential, no openings are shown in the facing side elevation and new openings could be restricted by condition.

The proposed bow window on the front elevation would project approximately 0.3m and is unlikely to have significantly greater overlooking impact than the existing window. Likewise, the proposed canopy would project around 0.6m and is designed with a mono-pitched roof above. It is considered to have potential to cast some further shade, but this would be very limited over and above the current circumstances.

9a Pratt Lane – This is a detached two-storey house, with a steeply-sloping roof and a single-storey extension to the side and rear. It is orientated to the north-west and there is a separation distance of at least 25m between the proposed extension and the nearest part of this neighbouring house.

Given these circumstances it is considered that the overshadowing and overlooking impact would be very limited.

2 Overhall Road – This is a detached two-storey house, with a two-storey extension to the rear. It is also positioned to the south-east of the application site and on the opposite side of West Royd Avenue.

As such, there is a separation distance of at least 23.0m and, in these circumstances, it is considered that there would be no adverse impact upon the residential amenities of the occupants of this neighbouring property.

No other properties would be affected.

Overall, it is considered that the proposal minimises the impact on residential amenity of future and neighbouring occupiers and is compliant with policy LP24 of the KLP.

4 – Impact on highway safety:

The application site is accessed from West Royd Avenue, a residential estate road and there is off-street parking for 3 or 4 cars at the site.

Whilst the current proposal would reduce the amount of off-street parking to two, the existing parking provision is greater than would be expected for a house of this size and the proposed development would not be an intensification of use requiring further parking spaces.

As such, it is considered that the proposed development would not cause any additional harm to highway safety and complies with policy LP21 of the KLP.

5 – Other matters:

Carbon Budget

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 pre-dates 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.

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 will need to be adhered to as part of the construction process and which will require compliance with national standards

6 – Representations:

One representation received expressing the following points:

- The proposed rear extension is very close to the property border, will it have an overshadowing impact on adjacent land?
Response: The impact upon residential amenity of the occupants of neighbouring properties was assessed in section 3 above, and found to be acceptable.
- Will it affect fence and vegetation on the boundary?
Response: Any such impact would be a civil matter between the parties involved. It is recommended that a footnote is added to this affect should the application be approved.
- Would it have a negative impact upon value of neighbouring houses?
Response: This is not a material planning consideration.
- Will existing roof and guttering on rear elevation at ground floor level be adversely affected and who will pay?
Response: This would be a civil matter. It is recommended that a footnote is added to this affect should the application be approved.

7 – Conclusion: 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.

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.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2020/92370

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and to ensure the satisfactory appearance of the development on completion, and to accord Policies LP1, LP2, LP21, LP22 and LP24 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

3. The external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours, Mondays to Fridays, 08.00 and 13.00 hours, Saturdays, with no working Sundays or Public Holidays. In some cases, different site-specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services may control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location plan	Dwg no. (EX) 002		24.07.2020
Block Plans	Dwg no. (20)002		24.07.2020
Plans and elevations as existing	Dwg no. (EX)001		24.07.2020
Plans and elevations as proposed	Dwg no. (20)001	Rev B	19.11.2020

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority has, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Revised drawings were received, which clarified the proposed roofing design at rear of property.

Report Dated: 02.12.2020