

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:	2021/62/91668/E
Site Address:	12, Ingham Close, Mirfield, WF14 9NP
Description:	Erection of porch and new roof to existing garage
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.

Emma Thompson

AUTHORISED OFFICER

Date: 12-Jul-2022

Officer Report – 2021/91668

Site Description

The application site is 12, Ingham Close, Mirfield. It is a detached 2-storey house thought to date from the 1970's. It has a dual pitched roof with gable ends to either side and a single storey integral garage projecting to the front, with small porch attached to the side. The walls are a pale red / brown brickwork and the roof is surfaced in similar coloured tiles.

The land is relatively level and there is a garden and relatively wide grass verge to the front with driveway to one side leading to moderately sized back garden enclosed by neighbouring gardens to all sides.

It is located in a small residential cul-de-sac where there are a variety of house designs including others similar to that at the application site, and the wider area is also residential in character.

Description of Proposal

New roof to garage:

Dual pitched roof, hipped to the front 3.5m ridge height.
Roof materials to match the existing

Porch:

Rectangular footprint 1.7m projection x 1.9m wide
Mono-pitched roof, door and window to front and small window to side
Wall and roof materials to match the existing

At the officer site visit it was noted that the proposed development had already been built

History of negotiations/amendments received

Application acceptable as submitted.

Relevant Planning History

None.

Representations

Final publicity date Expires: 6th July 2021. No representations received.

Mirfield Town Council comments: None received

Consultation Responses

None carried out.

Policy

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).

The site is unallocated on the Kirklees Local Plan.

Kirklees Local Plan (LP):

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

Kirklees Council has adopted supplementary planning guidance on house extensions which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 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 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change.
- 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”. This should be assessed in conjunction with the House Extension SPD and chapter 12 of the NPPF.

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. Regarding 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’*.

Key design principles 1 (local character and street scene) and 2 (impact on the original house) given in the Kirklees Householder extensions SPD reflect the above.

In this instance, the development is considered subservient to the original building and in keeping in terms of materials and details, and so is compliant with policy LP24 of the Kirklees Local Plan and key design principle 2 of the Kirklees house extensions SPD.

The wider area is residential in character and the application site is within a short residential cul-de-sac where there are a variety of house designs including others with similar roof constructions to single storey elements at the front and porches to the side. The development is therefore considered in keeping with the street-scene and character of the surrounding area.

3 – Impact on residential amenity:

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

Key design principles 3 (privacy), 5 (overshadowing/loss of light), 6 (preventing overbearing impact) and 7 (outdoor space) of the Kirklees householder extensions SPD expand upon LP24 and are discussed below.

In this instance, there would be two households potentially affected by the proposals; these are addressed as follows:

11, Ingham Close: This is a 2-storey detached house located to the north west of the application site.

The main impact would be from the new garage roof, but in officers' opinion given its modest scale and that there would be a distance of approximately 2.0m to the mutual boundary, it will have very limited overshadowing and overbearing impact, and cause no invasion of privacy.

17, Blake Hall Road: This is a 2-storey neighbouring house to the south east of the application site.

The main impact would be from the proposed porch, however the porch would be approximately 5.5m from the mutual boundary and very moderate in scale, so it is considered that there would be no overshadowing or overbearing impact. In terms of privacy, the porch has a small window in the facing side elevation, but as it is a relatively small space where people will not be present for long periods of time, and there is a significant gap to the boundary, it is considered that there will not be overlooking issues.

No other neighbouring property would be affected.

As such the development minimises the impact on residential amenity of future and neighbouring occupiers and is compliant with policy LP24 of the KLP and key design principles of the Kirklees house extensions SPD.

With regards to Key Design Principle 7 - Outdoor space. Extensions and alterations should ensure an appropriately size and useable area of private outdoor space is retained. Normally at least half the garden area should be retained as part of the proposals. In this proposal, the garden area would not be affected.

4 – Impact on highway safety:

The site is accessed from Ingham Close, a short cul-de-sac serving several other houses.

The proposed development does not amount to development requiring further off-street parking provision, nor does it affect the existing parking arrangements at the site. As such it is considered that it does not harm highway safety and is compliant with policies LP21 and LP22 of the KLP.

With regards to Key Design Principle 16 - Provision for waste storage. Extensions and alterations should maintain appropriate storage arrangements for waste.

It is considered that the development would not affect the current arrangements for storage of household waste materials and is compliant with this key design principle.

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 which will require compliance with national standards

Biodiversity

Protected species (bats):

The site is in an area recorded as a bat alert area.

Bats are protected species and the NPPF requires planning authorities to take account of priority species within planning policies.

An assessment in relation to the bat alert layer guidance - flow diagram has been carried out and as a result no survey is necessary. In this instance the development works have been carried out and no further action is required.

Conditions:

The development has been completed and is acceptable in terms of planning policies and guidance. As such the standard conditions relating to timeframe for starting development and external materials are not required.

6 – Representations:

No representations received.

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:** 2021/91668**Officer Recommendation:** Approve**Conditions and Reasons**

1. 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 so as to ensure the satisfactory appearance of the development on completion, and to accord Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extension Supplementary Planning Document and the aims of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location plan			22.04.2021
Block Plan	Dwg no. 21/42		22.04.2021
Existing and proposed plans and elevations	Dwg no. 21/42		22.04.2021

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 have, 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. The development is acceptable as submitted.

Report Dated: 07.07.2022