

**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: 2021/62/92313/E

Site Address: 4, Spinners Way, Lower Hopton, Mirfield, WF14 8PU

Description: Erection of single storey side extension, porch to front, conversion of garage to living space and erection of boundary wall with associated works

Recommending Officer: Jennifer Booth

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: 02-Aug-2021

OFFICER REPORT

Site Description

4 Spinners Way is a modern, detached stone dwelling with a lower ground garage and accommodation on the ground and first floor. The property has an open landscaped area to the front with a drive for two vehicles and a larger enclosed garden to the rear of the property.

The property is located on a modern residential development of similar properties in terms of age and style.

Description of Proposal

The applicant is seeking permission for a single storey front porch, the conversion of the garage and erection of a single storey extension to the side.

The porch would have a projection of 1m and a width of 1.9m and the roof form would be flat with a parapet. The walls would be constructed using stone.

The single storey would be located on the lower ground floor at the side of the dwelling and would be set back 2.3m from the front wall of the dwelling. The projection to the side would be 1.5m extending the remaining depth of the dwelling. The roof form would be flat. The plans have detailed that the walls of the extension would be constructed with stone and clad with a dark grey cladding.

Relevant Planning History

2021/90193 - single storey front porch, the conversion of the garage and erection of a single storey extension to the side and rear - APPROVED

Representations

The application was advertised by neighbour letters, which expired on 22/07/2021

As a result of the above publicity, no representations have been received.

Mirfield Town Council has been consulted although no comments have been received.

Consultation Responses

None.

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 UNALLOCATED on the Kirklees Local Plan Proposals Map.

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.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity

House Extensions Supplementary Planning Guidance

Kirklees Council has recently adopted its supplementary planning guidance on house extensions. Although the period for a potential judicial review has not yet expired, it is now being considered in the assessment of householder planning applications, with some weight attached. 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 SPG 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 NPPF published 20th July 2021, and 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 – Conserving and enhancing the natural environment

The site is within Mirfield Neighbourhood Area. There is no made Neighbourhood Development Plan (NDP) within the Mirfield Neighbourhood Area at present. Furthermore, there is no emerging NDP to be considered as a material consideration in assessment of this application. Further details on the progress of neighbourhood development plans in the district can be found at:

<https://www.kirklees.gov.uk/beta/planning-policy/neighbourhood-planning.aspx>

However, the Mirfield Design Guide 2002 is still of relevance and requires development to be in keeping with the area.

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Negotiations
- 7) Conditions
- 8) Conclusion

1 – Principle of development:

The site is without notation on the KLP, policy LP1 of which 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. 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. In this case, the principle of development is considered acceptable and 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.

2 –Impact on visual amenity:

The host property is located on a modern estate of similar properties in terms of age although there are some variances in terms of style. Dependent upon design, scale and detailing, it may be acceptable to extend the host property.

The proposal under consideration consists of two distinct elements which shall be addressed below.

Front porch

The limited scale of the front porch is such that it would be acceptable relative to the size of the host property. The materials proposed would match the main house and the front porch is considered acceptable in terms of visual amenity. It is noted that the plans include new steps to the front porch, these are considered to form an acceptable relationship with the wider area.

Single storey side extension with garage conversion

The alterations to facilitate the garage conversion would include the infilling of the vehicle entrance with stonework and windows. The materials would match the main house and the window proportions would match the other openings in the dwelling. The single storey extension would have a modern appearance with a grassed roof form and panelling. It is considered that given the limited views of this in the wider area, this would form an acceptable addition to the dwelling.

Summary

Having taken the above into account, the proposed extensions and alterations 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 KLP (a) in terms of the form, scale and layout and (c) as the extension would form a subservient addition to the property in keeping with the existing building and the aims of chapter 12 of the NPPF.

3 – Impact on residential amenity:

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out in terms of policy LP24 c), which states that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers.

Given the nature of the works, there would be no effects on the amenities of the properties on the opposite side of Spinners Way at 24 & 25. Furthermore, there are no properties opposite the front of the dwelling which could be affected by the works proposed.

Impact on 5 Spinners Way

Given the single storey and set down nature of the proposed works, there would be no harm caused to the amenities of the occupiers of the adjacent 5 Spinners Way by the proposed works.

Impact on 3 Spinners Way

The neighbouring property to the rear has their blank side elevation facing towards the rear of the host property. Given the spatial relationship between the properties, Officers are satisfied that the proposed extension would cause no significant impact on the amenities of the occupiers of the neighbouring 3 Spinners Way.

Having assessed the above, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with policy LP24 of the KLP (b) in terms of the amenities of neighbouring properties and paragraph 130 (f) of the NPPF.

4 – Impact on highway safety:

The proposals will result in some intensification of the domestic use and the loss of the garage. However, there are two parking spaces to the front of the dwelling which are considered to represent a sufficient provision. As such, the scheme would not represent any additional harm in terms of highway safety and, therefore, it complies with policy LP22 of the KLP.

5– Other matters:

Biodiversity

The development is for a single storey extension to the dwelling. Whilst the property is sited in area, which is known to include bat habitats, in this instance, as the works proposed are single storey and include no work to the main roof, then it is considered unlikely to have an impact on the bat population.

Carbon Budget

The proposal is a small-scale domestic development to an existing dwelling. As such, no special measures are 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.

There are no other matters for consideration.

6 – Representations:

None.

7 – Negotiations:

None.

8 – Proposed conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions:

- Accordance with the approved plans, to ensure the development is carried out in line with the officer's assessment.
- Matching materials, to ensure that the extensions harmonise with the host property, as using alternative materials would look out of place within the street scene.

9 – Conclusion:

This application to erect a porch to the front, a single storey side extension and the conversion of the garage at 4 Spinners Way 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. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed extension is considered acceptable.

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.

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 it is, therefore, recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2021/92313

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 with Policy 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 chapter 12 of the National Planning Policy Framework.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

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 the works may be carried out.

Plans and specifications schedule:

Plan Type	Reference	Web ID	Date Received
Location plan	(ex)002	876785	07/06/2021
Block plan	(20)002	876784	07/06/2021
Existing plans	(ex)002	876791	07/06/2021
Proposed plans	(20)001	876787	07/06/2021

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 Planning 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.

As the submitted plans were considered acceptable, no changes were sought.

Report Dated

26/07/2021