

**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:** 2021/62/92368/E

**Site Address:** 36, Hopton Lane, Mirfield, WF14 8JU

**Description:** Erection of single storey front and side extension,  
dormer window to front and associated alterations

**Recommending Officer:** Nina Sayers

**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: 01-Sep-2021**

## **Officer Report**

### **Site Description**

36 Hopton Lane is single storey, detached dwelling in Mirfield. It has a garden to the front and rear and a driveway, which runs along the side of the house. The front of the property has a pitched roof and it is noted that an extension with a gable-end roof has been approved and erected to the rear. The exterior of the dwelling is constructed from stone walls, slate tiled roofing and UPVC windows and doors.

The property is located on a residential street, with other properties of a variety of ages, designs and sizes. The property is set back significantly from the street. It is noted that this property is located within the Strategic Green Infrastructure Network on the Kirklees Local Plan proposals map.

### **Description of Proposal**

The applicant is seeking permission for the erection of a single storey front and side extension, dormer window to front and associated alterations.

#### *Single storey extension*

The proposed single storey extension would project by 2.5 metres from the side elevation of the existing dwelling and by 3.6 metres from the existing front elevation. It would have a total width of 4.4 metres and a total depth of 4.8 metres. The proposed extension would have a hipped roof, and due to the elevation of the property, the height to the eaves at the highest point would be 4.3 metres and the total roof height would be 5.6 metres. It would be set down from the roof height of the existing dwelling by 1.2 metres.

The proposed would serve a sunroom and there would be windows proposed in all elevations of the extension. There would be patio doors in the western side elevation. The proposed would be constructed from stone walls, slate tiled roofing and uPVC windows and doors, all to match the existing.

#### *Front dormer window*

The proposed dormer extension would be to the front of the dwelling. It would be 9.2 metres wide, set in from the existing side elevations by approximately 0.3 metres. It would be set down from the existing roof ridge, with a height of 1.8 metres and a total depth of 3 metres. The proposed would extend the existing first floor rooms and there would be two windows proposed in the front elevation.

The proposed side elevations would be finished in hung grey slates to match the existing roof, the proposed front elevation would be slate grey uPVC panels to match the colour of the existing roof

#### *Associated alterations*

The existing window in the side eastern side elevation would be replaced with a new window of a similar size and design, which would be uPVC to match the existing.

### **History of negotiations/amendments received**

The description of proposal was amended to include the front projection of the proposed extension. The proposed development was not re-advertised through neighbour notification letters, as the principle of development did not change following amendments.

### **Relevant Planning History**

86/01280 Use part of dwelling to operate one private hire vehicle. Granted conditionally.

2017/90665 Erection of extensions and alterations. Conditional full permission.

### **Representations**

The application was advertised by neighbour letter. Final publicity expired on 26/07/2021.

No representations were received.

No objections were received from Mirfield Town Council.

Officer comments will be made in section 6 of this report.

### **Consultation Responses**

No consultees were considered necessary for 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 27<sup>th</sup> February 2019).

Kirklees Council has recently adopted its supplementary planning document 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 document 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.

The site is unallocated on the Kirklees Local Plan proposals map. However, it is located within the Strategic Green Infrastructure Network.

#### **Kirklees Local Plan:**

- **LP1** – Achieving sustainable development
- **LP2** – Place shaping
- **LP21** – Highways and access
- **LP22** – Parking
- **LP24** – Design
- **LP31** – Strategic Green Infrastructure Network

#### **National Policies and Guidance**

National planning policy and guidance is set out in National Policy Statements, primarily the NPPF, published 20<sup>th</sup> July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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

#### **Assessment**

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity and historic environment
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conclusion

#### **1 – Principle of development:**

The proposal is for the erection of a single storey extension and dormer window to an existing residential property. 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.

The application site is recorded as being located within the Strategic Green Infrastructure Network on the KLP proposals map.

Policy LP31 of the KLP states that proposals should ensure that the function and connectivity of green infrastructure networks and assets are retained, replaced or provided where appropriate, incorporating or providing new walking, cycling and ecological links.

The proposal is for an extension within the curtilage of an existing residential property. The extension would be relatively small in scale in relation to the host property and would be located within an existing garden area. 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 will along with other policy considerations will be addressed below.

## 2 – Impact on visual amenity

### *Single storey extension*

The proposed extension would be to the front and side of the property and would project by 3.6 metres from the existing principal elevation of the dwelling. A front extension of this size could be considered unacceptable, as it is normally required that front extensions are small in scale. However, this extension would be considered acceptable, in this instance, as it would be set back by approximately 12 metres from the roadside, which is considered a significant distance. Due to the elevation difference and the significant boundary treatment, the existing dwelling and proposed extension would not be prominent on the street scene. There is also significant variety in the front elevations of the neighbouring properties and, so, it is considered that the proposed would not cause significant harm to the character of the street scene.

The development would be in keeping with the existing property in terms of design and materials. It is noted that, due to the set-back nature of the property, and, given the majority of amenity space is to the front of the dwelling, the proposed extension would not cause significant harm to the visual amenity of the host dwelling.

### *Front dormer*

The proposed dormer window would be large, but it is noted that there is significant variety in the front elevations and roof types of the neighbouring dwellings. The proposal would be constructed in materials of a similar appearance and colour to the existing roof and would be set back significantly from the street scene. Therefore, it is considered that the proposed extension would not cause significant harm to the visual amenity of the host dwelling or wider street scene.

### *Associated alterations*

The proposed window would be similar in size and appearance to the existing window and it is, therefore, considered to cause no harm to the amenity of the host dwelling or wider street scene.

It is, therefore, considered that, on balance, this development would not cause any significant harm to the visual amenity of either the host dwelling or wider street scene, thus complying with policy LP24 of the KLP and the aims of chapter 12 of the NPPF.

### 3 – Impact on residential amenity

#### *Impact on 34 Hopton Lane*

The proposed extension would project by 2.5 metres towards the shared boundary with 34 Hopton Lane, which is set down significantly from the application site. There would remain 0.9 metres between the proposed extension and the shared boundary. This neighbouring house is set forward from the host dwelling and, therefore, the proposed extension would be adjacent to this neighbouring property's flat roof. It is, therefore, considered that the proposed would not cause any significant overshadowing or overbearing impact to this neighbouring property.

There would be additional windows proposed in the side elevation adjacent to 34 Hopton Lane, which is considered acceptable in this instance, as they would overlook the neighbouring property's flat roof and given the existing windows on the eastern side elevation of 36 Hopton Lane, it is considered that the proposal would not cause significant additional overlooking harm.

#### *Impact on 38 Hopton Lane*

The proposed single-storey extension would remain a significant distance from 38 Hopton Lane, preventing any significant harm being caused to the amenity of this house.

The proposed dormer window would be separated from this neighbouring property by the host dwelling's driveway, approximately 2.9 metres, and there would be no additional openings proposed in the western side elevation. Taking this into consideration, along with the neighbouring property being due west of the application site, no significant additional harm is considered caused to the amenity of this neighbouring property due to the proposed extension.

Having considered the above factors, the proposals are considered to not result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with policy LP24 of the KLP and chapter 12 of the NPPF.

### 4 – Impact on highway safety

The extension would serve a sunroom and extension to existing rooms and is, therefore, considered not to result in any intensification in the domestic use of the dwelling, so the existing parking provision is acceptable. It is considered that the proposed extension would not cause any additional harm in terms of highways safety. Accordingly, the proposal complies with policies LP21 and LP22 of the KLP.

## 5 – Other matters

### *Climate change*

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 specific measures are required in terms of the planning application, with regards to carbon emissions. However, there are controls in place 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

No representations were received.

## 7 – Conclusion

This application to erect a single storey extension, a dormer window and associated alterations to 36 Hopton Lane 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:** 2021/92368

**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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24 and LP31 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The external walls and roofing materials of the single storey 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.

4. The external walls of the proposed dormer window shall be finished in hung grey slate to match the existing and "grey slate UPVC panels" as demonstrated in the approved plans "2021/305/03" and "2021/305/05" and thereafter retained.

**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:** Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership

**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 can 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:

| <b>Plan Type</b>                 | <b>Reference</b> | <b>Date Received</b> |
|----------------------------------|------------------|----------------------|
| Location Plan                    |                  | 15/06/2021           |
| Existing elevations              | 2021/305/01      | 15/06/2021           |
| Existing floor plans             | 2021/305/02      | 15/06/2021           |
| Proposed front elevation         | 2021/305/03      | 15/06/2021           |
| Proposed side elevation          | 2021/305/04      | 15/06/2021           |
| Proposed rear and side elevation | 2021/305/05      | 15/06/2021           |
| Proposed ground floor plan       | 2021/305/06      | 15/06/2021           |
| Proposed first floor plan        | 2021/305/07      | 15/06/2021           |
| Proposed sections                | 2021/305/08      | 15/06/2021           |

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.

The description of proposal was amended to include the front projection of the proposed extension.

Report Dated: 01/09/2021