

**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: 2021/62/92974/E

Site Address: 6, Wellhouse Close, Mirfield, WF14 0BQ

Description: Erection of first floor side extension and exterior 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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 19-Oct-2021

Officer Report

Site Description

6 Wellhouse Close is two-storey, semi-detached dwelling in Mirfield. The property has a driveway to the front and a single storey garage which projects out from the side elevation. The garden wraps around the front, side and rear of the property. The property is finished in brick walls, tiled roofing and UPVC windows.

The application site is a corner plot on a predominantly residential street. The surrounding properties are similar to the host dwelling in terms of design, age and size.

Description of Proposal

The applicant is seeking permission for the erection of a first-floor side extension and exterior alterations.

First floor side extension

The proposed extension would be built be a first-floor addition to the existing garage. The proposed would project 4.3 metres out the first floor side elevation of the existing dwelling, aligning with the existing garage. The proposed would be set back 0.5 metres from the front elevation of the host dwelling, and would have a total depth of 6.9 metres. It would have a pitch roof design to match the existing which would be set down 0.2 metres from the roof ridge of the existing dwelling. The proposed would serve an additional bedroom and en-suite and would have a window proposed in the front, side and rear elevation.

Exterior alterations

The existing garage, which projects 1 metre forward from the proposed extension, would have a lean-to roof erected which would be tiled to match the existing dwelling. It would have a total roof height of 3.3 metres.

The proposed would be constructed from materials which match the existing dwelling.

History of negotiations/amendments received

Officers were concerned regarding the subservience of the proposed extension and the lack of compliance with the SPD. Amendments were sought and provided with a 0.5 metre set back and therefore a reduction in roof height, Amendments were considered acceptable. The description of proposal was amended to include the lean-to roof over the existing garage.

The proposed development was not re-advertised through neighbour notification letters as the principle of development did not change following amendments.

The description of proposal was amended to include the lean-to roof over the existing garage.

Relevant Planning History

No relevant planning history.

Representations

The application was advertised by neighbour letter. Final publicity expired 03/09/2021.

No representations were received.

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 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).

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.

The site is unallocated on the Kirklees Local Plan.

Kirklees Local Plan:

- **LP1** – Achieving sustainable development
- **LP2** – Place shaping
- **LP21** – Highways and access
- **LP22** – Parking
- **LP24** – 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 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 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 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. 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

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’.

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.

First floor side extension

The proposed extension would be built on a similar footprint to the existing ground floor garage. The proposed would be set back 0.5 metres from the front elevation of the existing dwelling, reducing the roof-ridge height and creating a visual break between the existing dwelling and the proposed extension. Therefore, the proposal would remain subservient to the host dwelling which would be the dominant feature following development. As the application site is on a corner plot, there are no properties directly due east of the dwelling and there would remain adequate amenity space between the proposed extension and the eastern boundary. The proposed therefore complies with the guidance outlined in the House Extensions and Alterations SPD. The proposed would be in keeping with the existing dwelling in terms of design and materials.

Exterior alterations

The proposed lean-to roof over the garage would be in keeping with the design of the existing dwelling and would be considered an improvement on the existing flat roof. It is noted that a number of the neighbouring properties have lean-to roofs over front porches or garages and therefore the proposed would be in keeping with the character of the street scene.

Having taken the above into account, the proposed extension 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 Kirklees Local Plan (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, KDP 1 & 2 of the House Extension and Alterations Supplementary Design Guide and the aims of chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity

Impact on 8 Wellhouse Close

The proposed extension would be on the eastern side of the existing dwelling and would be set in from both the existing front and rear elevation. It is therefore considered that the proposed would not cause any overlooking, overbearing or overshadowing additional harm to the adjoining 8 Wellhouse Close.

Impact on 91a Wellhouse Lane

The proposed would be approximately 10 metres from the rear boundary adjacent to 91a Wellhouse Lane which is considered a significant distance for no overbearing or overshadowing harm to be caused. The proposed would have a window proposed in the rear elevation but, this would remain approximately 12 metres from the neighbouring property and would be set in 0.9 metres from existing rear elevation which also has openings of a similar size. Therefore it is considered that the proposed would not cause any significant additional overlooking harm, above and beyond the existing arrangements.

There are no properties due east of the proposed extension and so no additional harm is considered to be caused to any other neighbouring properties as a result of the proposed extension.

Having considered the above factors, 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 Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key Design Principles 3, 5, 6 & 7 of the House Extension SPD and Paragraph 130 (f) of the National Planning Policy Framework.

4 – Impact on highway safety

The extension would serve an additional bedroom and would therefore result in the intensification in the domestic use of the dwelling. The existing garage and driveway would remain so there would be adequate off-street parking for three vehicles. Therefore, the existing parking provision is considered acceptable. As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extension SPD.

5 – Other matters

Carbon Budget

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.

There are no other matters for consideration.

6 - Representations

No representations were received.

7 – Conclusion

This application to erect exterior alterations and a first-floor extension to the side of 6 Wellhouse Close has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Design SPD, the National Planning Policy Framework and other material considerations.

Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed extension is considered to be 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 is therefore recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2021/92974

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 and LP24 of the Kirklees Local Plan, Key Design Principles of the House Extension SPD 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, Key Design Principles of the House Extension SPD 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 13.00hours, 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:-

Plan Type	Reference	Version	Date Received
Location plan			23/07/2021
Block plan			23/07/2021
Existing plans and elevations	2021/322/01		23/07/2021
Proposed front elevation	2021/322/02	As amended	13/10/2021
Proposed rear elevation	2021/322/03	As amended	18/10/2021
Proposed side elevation	2021/322/04	As amended	13/10/2021
Proposed floor plan	2021/322/05	As amended	13/10/2021
Proposed sections and site plan	2021/322/06		23/07/2021

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 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.

Amendments were sought and provided with a 0.5 metre set back and a reduction in roof height. Amendments were considered acceptable. The description of proposal was amended to include the lean-to roof over the existing garage.

Report Dated: 18/10/2021

