

**‘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:	2022/62/91820/E
Site Address:	6, Westfield Court, Mirfield, WF14 9PT
Description:	Erection of two storey side extension, a porch to the front, a single storey and a two storey rear extension and other external alterations.
Recommending Officer:	Jennifer Booth

DECISION – FULL CONDITIONAL 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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 21-Sep-2022

OFFICER REPORT

Site Description

6 Westfield Court, Mirfield comprises a two-storey brick-built detached house siting with a large plot of land with spacious gardens to the front and rear. The house and its gardens are enclosed by high hedges and timber fences. There is a single storey extension to the south-western aspect of the building, with a patio immediately adjacent.

Westfield Court is a cul-de-sac surrounded by two-storey detached houses and chalet bungalows. Some appear to have been extended substantially including nos.10 and 12. All houses including their subsequent extensions are all constructed in brick, which contributes positively to the local character and the street-scene.

Description of Proposal

The application seeks planning permission for a two storey side extension, a porch to the front, a single storey and a two storey rear extension and other external alterations.

The two storey side extension would have a depth of 7.6m and a width of 9.2m with a pitched roof form.

The front porch would project by 1.65m with a width of 1.75m with a lean to roof form.

The two storey rear extension would project 3.3m with a width of 5.5m and a pitched roof form with a single storey rear extension infilling the corner which would also have a projection of 3.3m with a width of 2.5m with a flat roof.

The extensions are proposed to be constructed using brick for the walling with tiles for the roof covering.

Relevant Planning History

At application site:

2020/93764 - erection of extensions and alterations - approved

2003/94415 – Erection of first floor extension (6, Westfield Court) – Approved

At neighbouring dwellings:

2007/95165 – Erection of two storey extension and single storey extension (10, Westfield Court) – Refused; Appeal Upheld

Representations

The application was advertised by site notices and neighbour letters, which expired on 19/08/2022

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

Consultation Responses

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

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 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 predates 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

Kirklees Council adopted supplementary planning guidance on house extensions on 29th June 2021 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 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.

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, 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 14 – Meeting the challenge of climate change, flooding and coastal change

Assessment

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 the House Extension SPD and 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.

Planning permission has been previously granted for extensions to the dwelling under 2020/93764. The proposals under consideration have significant alterations requiring a new assessment. Furthermore, there have been changes to both local and national planning policy including the adoption of the House Extension SPD (July 2021) and updates to the National Planning Policy Framework (July 2021).

Impact on visual amenity:

Westfield Court is a residential street with properties of a similar 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.

Key Design Principle 1 of the House Extension & Alteration supplementary planning document (SPD) does state that extensions and alterations to residential properties should be in keeping with the appearance, scale, design and local character of the area and the street scene. Furthermore, Key Design Principle 2 of the HESPD goes on to state that extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and details.

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

Front Porch

Paragraph 5.13 of the House Extension SPD states that front extensions are highly prominent in the street scene. As per paragraph 5.14 of the SPD, careful consideration needs to be given to ensure that they are carefully designed to limit the potential for them to erode the character, they should be small and subservient to the main house and constructed using appropriate materials.

The scale of the front porch is modest relative to the size of the host property. The materials would match the main house. Although the roof would be lean to in style with significant glazing in the front elevation, this does form a complimentary, modern feature in keeping with the overall modifications of the dwelling. The front porch is considered to be acceptable in terms of visual amenity.

Two storey side extension

Paragraphs 5.15, 5.19 & 5.21 are of relevance with regards to the side extension as they require the development proposed to be located and designed to minimise the impact on the character of the area, reflect the original building in terms of materials and detailing and ensure adequate space is retained to provide a sense of space.

The host property has a split frontage and whilst the proposed side extension would be set back from the gabled element of the dwelling, it would lie flush with the stepped level of the front, with the continuation of the existing roof and a gap to the boundary. The extension is of a substantial size, however, the host property itself is a larger dwelling set within a substantial garden. Furthermore, there are similar sized extensions in the vicinity. Whilst this does not quite align with the House Extension SPD and would not be considered to be wholly subservient, given the existing planning permission together with the substantial size of the site and the host dwelling, this can be considered justifiable. The materials proposed would match the main house and the

detailing is considered to be appropriate. The side extension is therefore considered to be acceptable in terms of visual amenity.

Single & two storey rear extension

Paragraphs 5.1 and 5.2 go into further specific detail regarding rear extensions requiring development to maintain the quality of the residential environment, respect the original house and use appropriate materials.

The projection of the rear extension at 3.3m is considered to be in line with the House Extension SPD. The design and materials would be in keeping with the host property. The fenestration would also be similar to the main house. The extension is not set down from the host property however it is considered in this instance to have no significant impact on the property or the surrounding area due to the size and nature of the plot. The rear extensions are therefore considered to be acceptable in terms of visual amenity.

Summary

It is appreciated that the scheme does consist of a number of elements which could cumulatively result in a significant level of extension. However, taking into account the current planning permission in place together with the size of the site which is in itself considerable and the mix of properties in the street scene, the level of development proposed can be considered to be justifiable.

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.

Impact on residential amenity:

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light and Key Design Principle 6 on preventing overbearing impact.

Impact on 8 Westfield Court

The front porch is of a limited scale and would be sufficiently distant to the adjacent neighbour so as to not unduly affect the amenities of the neighbour with regards to overbearing, overlooking or overshadowing.

The two-storey side extension, whilst close to the neighbouring house at 8 Westfield Court would not unduly prejudice the residential amenity of its occupiers, as the external rear wall of this extension would align with that of the host building and no.8. Meanwhile, this adjacent house does not appear to have any habitable room window in the side elevation facing the extension. Given this, officers conclude there would be no unacceptable overshadowing and overbearing impacts upon the windows and gardens of these neighbours. They would continue to receive an appropriate level of light to the front and rear of their house as existing.

The rear extension would be set back from the adjacent neighbour. Although it is appreciated that there are windows shown in the side elevation, these are at ground floor level and with the existing boundary treatment, there would be no loss of privacy. The separation would further limit any potential for any overbearing or overshadowing.

With regards to the impact on the adjacent 8 Westfield Court, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 130 of the NPPF and the proposals are considered to be acceptable.

Impact on 4 Westfield Court

The position of the porch is such that there would be no impact on the adjacent dwelling to the south east.

The side extension would also be positioned on the opposite side of the host property to the adjacent 4 Westfield Court and would therefore have no impact on the neighbours' amenities.

The rear extension near to the shared boundary would be single storey with a limited projection of 3.3m which is in line with the House Extension SPD with regards to detached dwelling. The neighbour is set some 7.5m from the boundary and as such, the proposed rear extensions would have no impact in terms of overbearing, overshadowing or overbearing.

With regards to the impact on the adjacent 4 Westfield Court, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 130 of the NPPF and the proposals are considered to be acceptable.

Impact on 21 & 23 Westfield Road

The properties to the rear are situated some 23m from the host property. Given the substantial separation, the proposed side and rear extensions would have no significant impact on the amenities of the occupiers of the properties to the rear in terms of overlooking, overshadowing or overbearing.

With regards to the impact on the neighbouring 21 & 23 Westfield Road, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 130 of the NPPF and the proposals are considered to be acceptable.

Impact on 9 Westfield Court

The property on the opposite side of the road occupies a position some 23m from the host property. Given the separation, the proposed side extension and porch would have no significant impact on the amenities of the occupiers of the neighbour opposite in terms of overbearing, overlooking or overshadowing.

With regards to the impact on the neighbouring 9 Westfield Court, the scheme is considered to be acceptable in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 130 of the NPPF.

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.

Impact on highway safety:

The proposals will result in some intensification of the domestic use. However, the parking area to the front of the property is large enough to provide parking for three vehicles which is considered to represent a sufficient provision. Bin storage for the dwelling would not be moved as part of the proposals. 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.

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.

Representations:

None

Negotiations:

None

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.

Conclusion:

This application to erect a two storey side extension, a porch to the front, a single storey and a two storey rear extension and other external alterations at 6 Westfield Court has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extension 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: 2022/91820

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 Policy 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: 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 13.00hours, 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	Web ID	Date Received
Location plan	-	935019	27/07/2022
Proposed site plan	EX02C	944162	27/07/2022
Proposed elevations	GA04E	944253	27/07/2022
Proposed elevations	GA03E	944251	27/07/2022
Proposed floor plans	GA02E	944250	27/07/2022

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.

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

Report Dated 20/09/2022