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:	**2022/62/92243/E**
Site Address:	32, Towngate Grove, Mirfield, WF14 9JF
Description:	Erection of two storey side and single storey rear extension with associated internal and external works
Recommending Officer:	Katie Wilson

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: 22-Dec-2022

Officer Report – 22/92243 – 32, Towngate Gove, Mirfield

Site Description

32, Towngate Grove, Mirfield is a 2-storey semi-detached house thought to date from the 1960's. The walls are largely red brickwork and the roof is dual pitched and hipped to the side. There is a car-port to the side linked to flat roofed and otherwise detached outbuilding at the back of the house. There is another single storey flat roofed extension at the back of the original part of the house. At the front is a small garden and driveway to the side, whilst at the back is a larger garden on slightly raised ground.

Bordering the north western side of the property are older 2-storey houses, and their rear elevations face the side of the house and garden at the application site. There are other houses bordering the other boundaries to the property.

Description of Proposal

Planning permission is sought for the erection of a two-storey side extension and a single storey rear extension.

Two-storey side extension:

- Rectangular footprint approximately 3.0m projection to the side x 6.2m deep. Set back from the front elevation 0.5m and in from the rear elevation 0.75m.
- Dual pitched roof, hipped to the side, eaves to match the existing and ridge level set down approximately 0.5m.
- Main windows in the front and rear elevation and two smaller windows at ground floor level in the side elevation. To WC and utility.
- It would provide space for utility, WC and cloakroom at ground floor with en-suite bedroom above.
- External wall and roof materials to match the existing.

Single storey rear extension:

- Rectangular footprint, projecting beyond the rear elevation of the original part of the building between 3.0m and 4.0m x 8.5m wide.
- It would be directly behind the original house and attached to the rear of the proposed side extension.
- Mono-pitched roof design approximately 2.5m eaves level and 3.7m overall height
- Two sets of bi-folding doors in the rear elevation and five roof lights.
- It would provide space for an office and open plan living / dining / kitchen area.
- External wall and roof materials to match the existing

The proposal also includes a small two storey side extension at the back of the house enlarging bedroom 2 and dining area beneath. It would project approximately 0.8m and attach to the side of original two storey element that projects to the rear. External materials to match the existing.

The proposed development would turn a 2-bed house into a 3-bed house and include demolition of the existing car-port, garage/outbuilding and conservatory.

History of negotiations/amendments received

No negotiations have taken place with the applicant/agent due to the application being considered acceptable in its submitted format.

Relevant Planning History

None at the application site.

Representations

We are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters.

Final publicity date expired 22nd August 2022

Mirfield Town Council – no reply

As a result of the public consultation period one representation has been received.

A summary of the points raised are below:

- It would affect living conditions of neighbouring properties.
- No measurements are shown
- Request visit by the planning officer.

Consultation Responses

K C Strategic waste: two closed landfill sites within 250m of the application address. Both developed for housing.

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 without notation on the Kirklees Local Plan.

Kirklees Local Plan:

- **LP 1**– Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways safety
- **LP 24** – Design
- **LP 30** - Biodiversity and geodiversity

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 21st 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
- Chapter 14 – Meeting the challenge of climate change, flooding & coastal change.
- Chapter 15 – Conserving and enhancing the natural environment

Supplementary Planning Documents:

- Highways Design Guide SPD
- House Extensions and Alterations SPD

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) Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 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 National Planning Policy Framework. LP1 goes on further to stating that:

“The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy LP2 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design, including the adopted Kirklees Supplementary Planning Document on House Extensions (SPD).

Within the adopted SPD, Key Design Principles 1 and 2 are relevant to the consideration of the principle of the development & visual amenity and are considered within the following report. These policies state the following:

- Principle 1 – 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.”

- Principle 2 – 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 detail.”

With specific regard to the House Extensions and Alterations SPD the key designs principles for consideration are:

- Key design principle 1: Local character and street scene
- Key design principle 2: Impact on the original house
- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 12: Natural environment
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage

With specific regard to side extensions, the SPD states that these should be located and designed to minimise the impact on the local character of the area and should reflect the design of the original building in terms of roof style, pitch,

materials and detailing. Side extensions should maintain the quality of the environment for neighbours by:

- Ensuring reasonable levels of natural light to the habitable rooms in neighbouring properties; and
- Positioning windows to minimise or avoid any potential overlook into neighbouring gardens.

Specifically, two storey side extensions should:

- not take up all or most of the space to the side of a house;
- maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property; and
- be set back at least 500mm from the front wall of the house

In terms of single storey rear extensions these should:

- be in keeping with the scale and style of the original house;
- not normally cover more than half the total area around the original house (including previous extensions and outbuildings);
- not exceed 4 metres in height;
- not project out more than 3 metres from the rear wall of the original house for semi-detached and terraces houses or by 4 metres for detached properties;
- where they exceed 3m in length the eaves height should generally not exceed 2.5 meters; and
- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

An assessment of the proposal against these policies and the principles and the relevant design guidance of the House Extensions and Alterations SPD is undertaken in the following report. In this case, it can be stated that the principle of development is acceptable subject to the assessment of impacts on visual and residential amenity, as well as other matters which will be discussed as follows.

2 – Impact on visual amenity:

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality.

Paragraph 130 of the NPPF is of relevance, in particular the following parts:-

- 'b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping

- c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'

It is proposed that the two storey extension would be located on the side elevation of the property and that a single storey extension would be constructed on the rear elevation attaching to both the existing rear elevation and the proposed rear elevation of the two storey side extension.

The two-storey side extension would be set back from the front elevation approximately 0.5m and set in from the rear elevation about 0.75m. The eaves height would be to match the existing and the ridge level would be slightly below that of the original part of the house. It is considered that the proposed works would result in a development which would be clearly read as additions to the original property and, on balance to be subservient, therefore complying with sections of Key Design Principles 1 and 2 of the House Extensions and Alterations SPD.

The House Extensions and Alterations SPD states that two storey side extensions should not take up all or most of the space to the side of the house. In this instance, the extension would not meet the recommended 1 metre gap within paragraph 5.20 of the SPD. However, there would be a sense of space around the property as the dwelling is located at the head of a cul-de-sac and its side elevation would be perpendicular to the rear elevation of neighbouring properties to the north west with a gap of at least approximately 5.0m.

With regard to the single storey rear extension, it would be slightly larger in projection than the SPD guidance states, However, it is considered that the additional 0.9 metres would not be significantly harmful in terms of visual amenity.

All the external wall and roof materials would be to match the existing, and the roof design and window styles are also considered to reflect closely those of the existing house, or are appropriate for a domestic extension.

In officers' opinion the proposed extensions would be in keeping with the host dwellinghouse and would have an acceptable impact upon the character of the street-scene and surrounding residential area.

In summary, the extensions are considered, on balance, to have an acceptable impact on visual amenity, in accordance with the requirements of policies LP1, LP2 & LP24 of the Kirklees Local Plan, having regard to principles 1, 2, and 9 of the Supplementary Planning Document on House Extensions (SPD) and policies within Chapter 12 of the National Planning Policy Framework.

<u>3 – Impact on residential amenity</u>:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing. Principle 7 of the House Extensions and Alterations SPD requires development to ensure an appropriately sized and usable area of private outdoor space is retained.

In terms of loss of outdoor amenity space, the proposed site plan shows that there would be some reduction to the side and rear, however the property has quite a large back garden which would be retained. The proposed extension would take up less that 25 percent of the outdoor amenity space at the site and so is considered it would not lead to overdevelopment of the site, and would be compliant with key design principle 7 of the House extensions and alterations SPD.

Impact upon 30, Towngate Grove:

This is the adjoining semi, attached to the south eastern side of the house at the application site. It already has a conservatory attached to the rear elevation and close to the mutual boundary which projects slightly beyond the current extension at the application site.

In terms of overlooking, the proposed drawings indicate that there would be no openings in the south east facing side elevations of the proposed extensions at ground or first floor level. This would be acceptable subject to new openings being controlled by condition.

In terms of overshadowing and overbearing, the proposed ground floor rear extension would project 4.0m and be close to the mutual boundary. This is contrary to detailed guidance for single storey rear extensions given in the house extensions SPD. However, in this instance there is some justification provided by the conservatory at the back of 30, Towngate Grove. The proposed extension would project approximately 0.7m further, but in officers' opinion the extra massing would have very limited additional overshadowing or overbearing impact. Furthermore, it would be orientated to the north west and so would not block much direct sunlight.

The first floor extension above would also be close to the mutual boundary, however it would project just 0.8m and have a shallow pitched roof. The nearest habitable room window on the rear elevation of 30, Towngate Grove would be at first floor level. However, it appears to be set in from the boundary around 0.6m and it would pass the 45 degree test. As such it is considered that this element would not have a harmful overshadowing or overbearing impact on 30, Towngate Grove.

Impact upon 4 and 6 Camm Lane:

These neighbouring properties are older two storey detached and semi-detached houses. They are orientated to the north west of the application site and on slightly higher ground. Their rear elevations face onto the north western side of the house at the application site.

4, Camm Lane has a 2-storey flat roofed extension and small outbuilding at the back and 6, Camm Lane has a single storey mono-pitched extension with further conservatory at the rear.

In terms of privacy, these neighbouring properties appear to have habitable room windows in their rear elevations. Those at 4, Camm Lane appear to be at ground and first floor level, whilst those at 6, Camm Lane are restricted to ground floor level.

The proposed development would have windows in the facing northwest side elevation, but these would be to non-habitable rooms and confined to ground floor level only, where they would look directly onto an existing retaining wall and boundary walling above that forms the mutual boundary. Although permitted development rights could restrict new side windows to high sill and obscurely glazed, given their potentially close proximity to the rear elevations of these neighbouring properties, it is considered appropriate to remove permitted development rights for new openings.

Regarding overshadowing and overbearing, the main impact would be from the proposed 2-storey side extension. It would be close to the boundary at the back of the garden to these neighbouring houses and orientated to the south east.

There would be a gap of approximately 7.0m between the rear of 4, Camm Lane and the proposed side extension, and a separation distance of around 6.0m between the conservatory at the rear of 6, Camm Lane and the proposed side extension. In these circumstances there would be potential for some overshadowing and overbearing impact.

However, the application site is on lower level land and so the ground floor element of the proposed 2-storey extension and the single storey extension at the back would be largely screened by the retaining wall and boundary wall above. The first floor element of the side extension would also be set back from the front elevation and set in from the rear elevation, restricting its depth to approximately 6.2m. It would also have a roof design that would be hipped to the side with ridge level below that of the existing house.

In summary, although the proposed side extension would likely cast some additional shade on the rear gardens of these properties it is considered that mitigating factors would exist. These would be that the proposed side extension would be on lower ground and so from the back gardens of these neighbouring properties it would be viewed as less than a full 2-storey high extension. The depth of the facing wall would also be less than the existing facing side elevation. Furthermore, the overall ridge level of the proposed extension would be less than existing, and it would be dual pitched to the front and rear, and hipped away from the mutual boundary to the side that would face the rear of

these houses. 4, Camm Lane would also retain relatively open aspects to the south and west, whilst 6, Camm Lane would retain the same to the east and south east. Their principle elevations and outlooks are on their opposite side, facing Camm Lane, these would be unaffected by the proposed development.

Given the mitigating factors above in officers opinion it would not be unduly overshadowing or overbearing and would accord with the aims of key design principles 5 and 6 of the House extensions and alterations SPD.

Impact upon 8, Camm Lane:

This is a 2-storey semi-detached house to the north of the application site. Its rear elevation faces directly onto the back garden of the application site.

In terms of overlooking, 8, Camm Lane has windows at ground and first floor level in its rear elevation. However, there would be no direct relationship between them and the existing or proposed windows to the extended part of the house at the application site. As such it is considered that the proposed extensions would have no greater overlooking impact than the existing house at 32, Towngate Grove.

Regarding overshadowing and overbearing, as the application site is on lower ground relative to this neighbouring property, the proposed single storey extensions would be screened to a very significant degree by the retaining wall, and wall above that form the mutual boundary and so it is considered that they would have very limited impact.

The first floor element of the proposed side extension would be due south, but there would be a separation distance of approximately 9.0m with other single storey structures inbetween. In this context and given the mitigating factors described above, it is considered that the overshadowing and overbearing impact would be relatively minimal.

Impact upon 2c, Camm Lane:

This is a 2-storey detached house with conservatory at the back. Its main elevation is onto Camm Lane and rear elevation faces onto part of the front garden to 32, Towngate Grove and the cul-de-sac. The main impact would be from the proposed 2-storey side extension

In terms of overlooking, 2c, Camm Lane appears to have habitable room windows in its rear elevation. However, there would be no direct relationship between them and windows in the front of the proposed side extension and there would be a separation distance of approximately 11.0m. Windows in the side elevation of the proposed side extension are limited to the ground floor and would be screened by a retaining wall on the boundary. It is recommended that new openings at first floor are restricted by condition. In these circumstances it is considered that there would be very limited invasion of privacy.

Regarding overshadowing and overbearing, the proposed side extension would be to the east of this neighbouring property and approximately 11.5m from it, with retaining and boundary walls inbetween. As such it is considered that these impacts would be minimal and the back garden of 2c, Camm Lane would retain its existing open aspects to the south, south east and south west.

Other neighbouring houses are located further away and would be unaffected by the proposed development

In view of the above it is considered that the proposals will meet the requirements of Policy LP24 of the Local Plan and of the Council's House Extensions and Alterations SPD (2021) in neighbour amenity terms.

4 – Impact on highway safety:

Policy LP22 of the Kirklees Local Plan refers to parking provision and this is reflected within Chapter 4 of the Highways Design Guide SPD and also Key Design Principle 15 and 16 of the House Extensions and Alterations SPD which seek to ensure acceptable levels of off-street parking and bin storage are provided.

The property is located at the head of a residential cul-de-sac and currently has space for two or three cars to park in tandem on the driveway to the front and side of the house. The drawings showing the proposed development indicate that the enlarged house would have three bedrooms, and part of the development would be on a car port to the side of the house.

The house extensions and alteration SPD sets out that a house with this number of bedrooms would be expected to have two off street parking spaces. The proposed site plan indicates that the development would leave a driveway to the front of the property approximately 9.5m long, and it is considered that this would enable two cars to park in tandem.

As such, it is considered that the proposal is acceptable in terms of parking provision. In addition, there would be sufficient space for bin storage within the site, in accordance with Key Design Principle 16 of the SPD.

5 – Other matters:

Climate Change - Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

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. No specific mitigation measures are required in this instance however it is noted that the works would be constructed from natural stone for the walls which is likely to be locally sourced and wholly recyclable.

Landfill gas:

The Council's Environmental Health (Strategic Waste Team) have indicated that this property lies within 250 metres of two closed landfill sites. However, since both of these have since been re-developed for housing it seems unlikely that either will be generating levels of methane or carbon dioxide that will pose a significant risk to local residents here.

If suitable protective measures are considered necessary to safeguard the occupants these can reasonably be required to be provided under the terms of the current Building Regulations.

Coal legacy – The site is located within the Coal Authority's "Development Low Risk Area". There is no statutory requirement to consult the Coal Authority regarding development within the "Development Low Risk Area", instead an informative note can be appended to the decision notice which constitutes the deemed consultation response. The application site falls within an area at low risk of ground movement as a result of past mining activities as determined by the Coal Authority. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority's standing advice is provided with any grant of approval. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with paragraphs 174 and 183 of the National Planning Policy Framework.

<u>6 – Representations</u>:

A summary of the points raised are below:

- It would affect living conditions of neighbouring properties.
  Response: The effect on residential amenity of neighbouring properties has been assessed in section 3 above and found to be acceptable.

- No measurements are shown

Response: Drawings of the proposed development are available on the web along with instructions on how to measure distances.

- Request visit by the planning officer.
  Response: An officer site visit has been undertaken and careful assessment of the impact of the proposal on neighbouring properties carried out from the application site and google maps

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: 2022/92243

Officer Recommendation: Approve

Conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

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, LP22, LP24 and LP30 of the Kirklees Local Plan, principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 15 and 16 of the Council's adopted House Extensions and Alterations SPD and to accord with Policies within Chapters 2, 12, 14 and 15 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 and be retained thereafter.
Reason: In the interests of visual amenity and to accord with Policies LP1, LP2 and LP24 of the Kirklees Local Plan, Key Design Principles 1, 2 and 9 of the Council's adopted House Extensions and Alterations SPD and policies within chapter 12 of the National Planning Policy Framework.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any subsequent legislation revoking or superseding that Order, no windows, doors or other openings, other than those shown on the approved plans, shall, at any time, be formed at first floor level within the side (north western facing) elevation of the proposed two storey side extension.
Reason: To safeguard the privacy of the occupiers of the adjoining properties, in accordance with the requirements of Policy LP24 of the Kirklees Local Plan, Key Design Principles 5 and 6 of the Council's adopted House Extensions and Alterations SPD and policies within 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	Dwg no. (EX)001	Rev A	01.07.2022
Block plan as existing and as proposed	Dwg no. (20)001	Rev A	01.07.2022
Plans and elevations as existing	Dwg no. (EX)002	Rev A	01.07.2022
Plans and elevations as proposed	Dwg no. (SK)004	Reb B	01.07.2022

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 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 Case Officer did not undertake any negotiations with the applicant due to the application being acceptable in its submitted format.

Report Dated: 21.12. 2022