

# 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:	<b>2022/62/92573/E</b>
Site Address:	3, Blake Hall Drive, Mirfield, WF14 9NG
Description:	Erection of side extension and external alterations, demolition of existing conservatory
Recommending Officer:	Craig Hewitt

### **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.**

Emma Thompson

***AUTHORISED OFFICER***

**Date: 17-Jan-2023**

## **Officer Report**

### **Site Description**

The application site relates to the two-storey detached dwellinghouse at 3 Blake Hall Drive, Mirfield. The property is located on a corner plot at the junction with Park Drive West. The dwelling has a cross-gable roof with gable front, rear and both side elevations. An existing conservatory adjoins the eastern side of the dwelling. The primary amenity space is located to the eastern side of the dwelling, whilst a detached outbuilding and parking space for at least two vehicles exists to the rear of the property. The dwelling is finished in white render on front and side elevations, and brickwork at the rear. The immediate context of the site is largely residential in use, comprising a variety of housing sizes, types and materials.

### **Description of Proposal**

Planning permission is sought for the erection of a single-storey side extension to the east-facing side elevation, and for external alterations. The proposed side extension would project 3.4m from the east-facing side elevation and have a flat roof with parapet. Additional window openings would be created on the front and both side elevations of the dwelling. The side extension would be finished in white render. Additional living accommodation would be created as a result of the proposal.

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

This planning application has been assessed based on the amended drawings submitted after the original proposal dormer and detailing was deemed to be unacceptable. The dormer was removed and detailing to the side extension reduced - no further details or amendments were sought thereafter. The description has been amended accordingly.

### **Relevant Planning History**

To the rear of 3 Blake Hall Drive:

2015/93829 - Erection of detached dwelling. Conditional full permission.

2004/92328 - Erection of two storey detached dwelling. Conditional full permission.

### **Representations**

This application was publicised by six neighbour notification letters, of which the consultation period expired on 16<sup>th</sup> September 2022. Following this notification, six objections and two further representations were received from neighbours. These relate to:

- Incongruous design - appearance being out of character to surrounding context
- Overly ornate/intricate detailing and materials
- Box appearance of dormer
- Dominate views at a prominent location
- Non-compliance with Mirfield Neighbourhood Plan
- Scale and form not reflecting local character

Upon a re-consultation due to the amended plans, which expired 6<sup>th</sup> January 2023, two representations were received, mainly relating to the design not being in-keeping with the surrounding character

### **Parish/Town Council comments**

None.

### **Consultation Responses**

Trees – no objection.

### **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 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:**

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP 24** – Design
- **LP 33** – Trees

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.

### **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
- 2) Impact on visual amenity (including any heritage considerations)
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters – e.g. trees/ecology (e.g. bats)
- 6) Representations
- 7) Conclusion

#### 1 – Principle of development:

Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is the focus of policy LP1 of the KLP. This policy stipulates 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. Policy LP24 of the KLP is the overarching policy in relation to the design, requiring proposals to respect the appearance and character of existing development in the surrounding area as well as to protect the amenity of the future and neighbouring occupiers, to promote highway safety, and to promote sustainability.

The application is for an extension to a residential property within a settlement boundary, where the principle of development such as this is acceptable, subject to the satisfactory assessment of material considerations. These considerations, along with others, are addressed in the following sections in this report.

#### 2 –Impact on visual amenity:

Policy LP24 of the Kirklees Local Plan, consistent with chapter 12 of the NPPF, states, inter alia, that the form, scale, layout and details of all development respects and enhances the character of the townscape.

Key Design Principles 1 (local character and street scene) and 2 (impact on the original house) given in the Householder Extensions and Alterations SPD reflect the above.

The householder design SPD states that single-storey side extensions should be located and designed to minimise the impact on the local character of the area. The design should reflect the design of the original building in terms of roof style, pitch, materials, and detailing. The extensions should not extend more than two thirds of the width of the original house, not exceed a height of 4 metres, and be set back at least 500mm from the original building line to allow for a visual break. On corner plots, extensions should be set back from the existing building line on both streets and create frontages with windows overlooking both streets.

In this case, the proposed single-storey side extension would project 3.4m from the north-east-facing side elevation of the dwelling. The proposed side extension would replace an existing side extension that projects 4.5m from the side elevation. Although the height of the parapet of the single storey extension would be 4.2m high, the proposed side extension would be less than half the width of the main dwelling and would be setback 1m from the front elevation of the dwelling.

The main side elevation of the dwelling is located approx. 12m from the boundary with the Park Drive West highway. The extension would retain over 8m to the Park Drive West highway and therefore would fill less than half of the gap between the dwelling and property boundary. Given that the proposed extension would not project as far as the existing side extension, there is not considered to be an unacceptable impact to the building line of Park Drive West. The scale of the proposed development is proportionate to the host dwelling and would retain an adequate sense of spaciousness within the plot.

Whilst the flat roof of the extension would not particularly be in-keeping with the architectural style of the original dwelling, there is considerable variety within the surrounding street-scene. Given the prominent location of the plot, it was considered necessary that the proposed materials would not lead to an incongruous appearance of the proposed development – the amendment to white render and reduced detailing are considered to have an acceptable impact on visual amenity.

Additional window openings are proposed in the front and side elevations, including a glazed first floor apex in the front elevation and 4no. additional vertical windows at first floor in the north-east facing side elevation. The SPD guidance outlines a requirement for frontages to both streets for corner plot properties – the proposed alterations, including additional white brick detailing between the ground and first floor windows, are considered not to appear unacceptably out-of-keeping with the character of the property. The proposed palette of materials would be acceptably in-keeping with the surrounding context of the property.

The development, therefore, would be acceptable in terms of visual amenity and would accord with key design principles 1 and 2 of the Householder

Extensions and Alterations SPD, policy LP24 of the KLP, and chapter 12 of the NPPF.

### 3 – Impact on residential amenity:

Policy LP24 of the KLP requires of developments, inter alia, a good standard of amenity for future occupants and neighbouring occupiers, as well as a minimising of the impact on residential amenity of future and neighbouring occupiers.

Key Design Principles 3 (privacy), 5 (overshadowing/loss of light), and 6 (preventing overbearing impact) of the Kirklees House Extensions and Alterations SPD expand upon Policy LP24 and are discussed below.

The proposed single storey side extension would not cause an unacceptable overbearing or overshadowing impact on any neighbouring property. The proposed upper floor window openings in the front elevation and north-east facing side elevation would retain over 21m to the properties on the opposite sides of Blake Hall Drive and Park Drive West respectively. There are not considered to be any primary habitable room windows in the side elevation of Hall Close that face the host property. The proposed development is not considered to lead to an unacceptable loss of privacy or overlooking impact.

As such, the proposal would comply with Key Design Principles 3, 5 and 6 of the House Extensions and Alterations SPD and policy LP24 of the KLP in terms of residential amenity.

### 4 – Impact on parking:

Space would continue to exist for two vehicles within the curtilage of the property, which would function as a three bedroom property. Accordingly, a householder extension of this type is considered acceptable in terms of planning regulation.

The development concerned is acceptable in terms of parking and consistent with Policy LP22 of the KLP.

### 5 – Other matters:

#### *Trees*

The proposals are to the side and rear of the house and therefore not encroaching into the RPA of the protected tree at the front of the property. The tree information submitted provides assurance that the tree will be well protected during the construction of the proposal and KC Trees have no objection. The AMS and TPP will need to be complied with to ensure the tree is not harmed and a condition of compliance with the document should be included if consent is granted.

#### *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.

## 6 – Representations:

Six objections were received from neighbours during the original consultation period, whilst two further objections were received from neighbours during the original consultation period – these two further objections repeated their previous issues.

The amended details were readvertised and two representations were received.

Overall, the objections primarily relate to the original design not being in-keeping with the surrounding character. Given the amendments to the proposal – the removal of the dormer and ornate detailing – it is considered that these concerns have either been addressed through the submission of the amended plans or assessed within this report. It is considered for the reasons outlined that the side extension and alterations will not harm visual amenity due to the mixed character of the area. Nor will the works result in any loss of amenity for nearby occupants. The side elevation windows to the south west are shown as serving non habitable space. Those to the north east are set a sufficient distance from any neighbouring land to prevent overlooking/loss of privacy.

## 7 – Conclusion:

This application for a side extension and external alterations at No.3 Blake Hall Drive, Mirfield 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.

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:** 2022/92573

**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 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 and thereafter retained.

**Reason:** In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan.

4. The development shall be completed in accordance with the advice and directions contained in the Arboricultural Method Statement, reference and Tree Protection Plan (Arbtech AMS 01 dated 21/07/22). These shall be implemented and maintained throughout the construction phase and retained thereafter.

**Reason:** To protect trees in the interests of visual amenity and to accord with the requirements of Policy LP33 of the Local Plan and advice within 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 13.00 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	Version	Date Received
Location Plan	A3.0		01.08.2022

Proposed Site Plan	A3.2		01.08.2022
Existing Floor Plans	A3.13		01.08.2022
Proposed Floor Plans	A3.3/4/5		12.12.2022
Existing Elevations	A3.1		01.08.2022
Proposed Elevations	A3.12/7/8/9/21		04.11.2022

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. In this case, the design of the original scheme was found unacceptable, and amendments sought to remove the proposed dormer and reduce the detailing. No further amendments or details were sought thereafter.

**Report Dated:** 14.12.2022