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:	**2022/62/92672/E**
Site Address:	41, Parker Lane, Mirfield, WF14 9PF
Description:	Erection of side extension and associated alterations
Recommending Officer:	Katie Wilson

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.

Julia Steadman

AUTHORISED OFFICER

Date: 23-Mar-2023

HOUSEHOLDER DELEGATED REPORT

Application Number	2022/92672
Location	41, Parker Lane, Mirfield, WF14 9PF
Proposal	Erection of side extension and associated alterations
Publicity end date	Initial round: 29th Sept 23 amended plans: 22nd March 23.
Number of representations received	One to initial round of advertisement and one to the amended plans
Kirklees Local Plan Allocation/Designation	Without notation
Extension to Time (EoT)	Yes **EoT Date: 23.03.2023**
Recommendation	Conditional Full Permission

	NO	YES
Applicant a Council Member or Officer in Investment and Regeneration (Skills and Regeneration)	✓	
Contrary to previous decision	✓	
Called in by Ward Member	✓	
Significant number of representations received	✓	

If 'No' to all above, proceed with a fast track report

By indicating that the development proposal complies with relevant national and local policy and the 'House Extensions and Alterations' Supplementary Planning Document, the planning officer is taking into account the information submitted with the application, any previous relevant applications, observations during any site visit, any comments received in connection with the application and any other considerations which are material to the decision.

Policy

National

National Planning Policy Framework (NPPF) July 2021
National Planning Practice Guidance (NPPG)

- NPPF Chapter 2 – Achieving sustainable development
- NPPF Chapter 12 – Achieving well-designed places

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

Local

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 51** – Protection and improvement of air quality

Supplementary Planning Document 'House Extensions and Alterations' (2021).

- 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 10: Renewable energy
- Key design principle 11: Water retention
- Key design principle 12: Natural environment
- Key design principle 13: Vegetation and tree planting
- Key design principle 14: Drainage and flood risk
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

	YES / NO	**SUMMARY**
Negotiations/Amendments during course of application	Yes	Negotiations took place to reduce the scale of the proposed side extension and improve design. Amended plans show lower eaves level, closer to the existing eaves level; ridge level now slightly below the existing and a partial hip to the side; dormers to front and rear with pitched and hipped roofs (initially one rear dormer with flat roof.

		External wall and roof materials to match the existing, as initially proposed.
Mirfield Town Council comments sought	Yes	No response
Planning History	Yes	08/92107 – erection of first floor extension. Refused. Planning application details | Kirklees Council 10/91840 – Erection of 2-storey extension. Approved. Planning application details | Kirklees Council 21/93639 – erection of first floor extensions to create living area with installation of velux windows and alterations to entrance. Refused. Planning application details | Kirklees Council
Consultations required	No	

Assessment

The Kirklees SPD sets out that two storey side extensions should comply with certain dimensions set out at paragraph 5.20 on page 29 (and listed below) and if they do not, they need to be justified:

Two-storey side extensions should:	**Yes - COMPLY**	**No - JUSTIFY**
not take up all or most of the space to the side of a house	Yes – it would be set from the front elevation approximately 3.0m and set in from the rear of the house by around 5.8m	
maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property		No – Although it would comply to some extent in that the proposed extension would be at an angle to the

		boundary line with 32, Crowlees Road. At greatest it would be 1.0m from the boundary tapering to approximately 0.3m from the boundary. Much of the narrower area would be behind a detached double garage at 32, Crowlees Road, which is also close to the boundary. The nearest part of the proposed extension would be approximately 10.0m from the nearest part of the rear elevation at 32, Crow Lees Road. This is similar to minimum distances of 12.0m between habitable room window and non-habitable room window when there is a direct relationship. In this instance there would be no direct relationship and it would be a blank wall. It is suggested that new openings in the side elevation of the proposed extension are controlled by condition and a footnote relating to private legal rights over land is applied. As such on balance this is considered acceptable.
be set back at least 500mm from the front wall of the house.	Yes - it would be set back approximately 5.8m from the front wall of the house at 41, Parker Lane.	

Design and Visual Amenity: Are the considerations in the following table acceptable?

Summary of local street scene/character: The area is residential in character with mainly detached houses and bungalows nearby in a variety of styles and materials. The application site lies at the junction of Crowlees Road with Parker Lane and near a 90-degree bend in Crowlees Road. There are more recently built detached houses constructed of natural stone to the south and east, whilst to the north and west are slightly older detached single and two-storey houses of various shapes and generously proportioned back gardens.

Consideration has been given here in terms of the proposals impact on the local character and street scene, including subservience, terracing and building line.

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	**Further comments**	**✓ / X / N/A**
Impact on the Local character and street scene	• KDP1 of the SPD • Policy LP24 Design (a) and (c) of the KLP • Chapter 12 NPPF	Many of the surrounding buildings have been extended in various ways. The proposed extension has potential to be seen from public places and impact upon the street-scene. However, it would be set back from the front elevation a significant distance and subordinate to the original part of the house with matching external materials and roof design. Front and rear dormer windows are present on other houses in the area. As such it is considered that it would blend into the character of the area quite successfully.	
Impact on original house	• KDP2 of the SPD	The proposed extension would be subservient by virtue of its modest footprint, that it would be	

	• Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	significantly set in from both the front and rear elevations, matching external wall and roof materials and below the existing ridge line. Proposed dormers relatively small and would retain all of the original roof plane.	
Height, scale and massing	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	As above	
Facing materials and detailing	• KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF	Facing and roofing materials, along with opening details to match existing. It is noted that the roof to the existing part of the house is currently red tiles, and the proposal drawings annotate that this would be re-tiled in grey slates (along with the roof to the proposed extension and dormer sides and roof. This is considered acceptable. Neighbouring houses have been built using a variety of roofing materials including grey slates and so it would fit into the character of the surrounding area quite comfortably.	
Roof style	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Similar roof style reducing impact on host dwelling - house.	

Window proportions	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Similar to those on the other parts of the house.	
Accessibility for all users	• KDP 17of the SPD • Policy LP24 Design (f) • Chapter 12 of the NPPF	Private domestic extension which would not change the existing access into / around the property.	

The design of the proposal is therefore acceptable and accords with policies LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Residential Amenity: Are the considerations in the following table acceptable?

The main properties affected are:

- *32, Crowlees Road – This bungalow is to the north of the site. Its rear elevation would face onto the back garden and part of the side elevation of 41, Parker Lane, although these elevations are not entirely parallel, converging towards the eastern end and diverging in the opposite direction. There would also be a minimum distance between the nearest part of the proposed extension and the rear of this neighbouring property of approximately 10.0m. Given the modest scale of the proposed extension and that 32, Crowlees Road would retain open aspects to the east, south and west, it is considered that the overbearing and overshadowing impact would be minimal. The proposed side elevation would be blank and there would be no direct relationship between the dormer windows (which face in a north east and south west direction) and those on the rear elevation of 32, Crowlees Road (which face in a southerly direction). Recommend controlling new openings in the side elevation by condition and a footnote relating to accees rights over land. As such it is considered that there would be no significant overlooking impacts*
- *30, Crowlees Road – This property is to the north west of the application site and further away than 32, Crowlees Road. In terms of overshadowing and overbearing impacts, there would be a separation distance of approximately 23.0m between the proposed extension and the house at 30, Crowlees Road and so it is considered that this impact would be very limited. There would also be no direct relationship between proposed windows and those at the back of 30, Crowlees Road. The rear dormer would look directly towards the lower part of the back garden at 30, Crowlees Road, but there would be a gap of*

approximately 17.0m. As such overall, it is considered that there would be no significant overlooking impact.

- *2, Richard Thorpe Avenue is a detached house to the north east of the application site. However it would be approximately 36m away from the proposed development and on the opposite side of the junction of Parker Lane and Crowlees Road. As such it is considered that there would be minimal, if any, overlooking, overshadowing or overbearing impacts.*
- *Other neighbouring properties are either screened from the proposed extension by the host dwellinghouse or further away.*

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	**Further comments**	**✓ / X / N/A**
Impact on privacy of neighbours (to sides, rear and front)	• KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	Acceptable for the reasons set out above.	
Impact on light and outlook of neighbours (to sides, rear and front)	• KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF	As above	
Remaining garden space of application property	• KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF	Most of the existing garden area would be unaffected by the proposed side extension	

The proposal is therefore acceptable in terms of residential amenity and accords with policy LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Highways and Parking: Are the following acceptable?

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	**Further comments**	**✓ / X / N/A**

Impact on highway safety	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	The proposed extension would not impact upon highway safety.	
Parking provision	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	The proposal would create a fourth bedroom, but there is ample off street parking provided by space to the front, a driveway to the side and an understorey garage.	
Provision for waste storage	• KDP 16 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	None shown on plans however, there is sufficient space within the red line boundary to allow for storage on site. Condition not considered necessary	

The proposal is therefore acceptable in terms of highways and parking and accords with policies LP21 and LP22 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Other matters: Are the following acceptable?

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	**Further comments**	**✓ / X / N/A**
Impact on trees	• KDP 13 of the SPD • Policy LP24 Design (d) (i) (iv) Policy LP33 Trees • Chapter 12 of the NPPF	n/a	
Impact on ecology	• KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF	n/a	
Carbon Budget / Climate change statement	• KDP 8, 9, 10 & 11 of the SPD • Policy LP51	Small scale domestic development to an existing dwelling. As such, no special	✓

	• Chapter 14 of the NPPF	measures 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.	
Drainage and Flood Risk	• KDP 14 of the SPD • Policy LP24 (d) (vii), LP27 and LP34 of the KLP	The rear garden and landscaping would be retained to allow for run-off. The site is not located within an identified Flood Risk Zone 2 or 3 area.	✓

The proposal is therefore acceptable in terms of the above listed other matters and accords with policies set out in the Kirklees Local Plan, the SPD and the NPPF.

Representations, including Parish/Town Council comments:

Summary of Representation	**Officer response**	Addressed ✓ / X / N/A
Adverse impact upon outlook	Addressed above under 'Residential amenity'	✓
Overshadowing impact	Addressed under 'Residential amenity'	✓
Invading neighbouring property	Land ownership is a private matter. As a precaution a footnote is recommended	✓
Overlooking impact	Addressed under 'Residential amenity'.	✓
The boundary hedge belongs to neighbouring property	Land ownership is a private matter. As a precaution a footnote is recommended	✓

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: CONDITIONAL FULL PERMISSION

Decision Authorisation - Delegated Powers
Application Number: 2022/92672
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 accord with Policies LP01, LP02, LP21, LP22 & LP24 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 9, 12 and 14 of the National Planning Policy Framework

3. The external walls and roofing materials of the extension and dormers hereby approved shall in all respects match those used in the construction of the existing building, including when retiled with grey slates.
Reason: In the interests of visual amenity and in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, Principles 1 and 2 the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created in the north west facing side elevation of the side extension hereby approved.

Reason: So as not to detract from the amenities of neighbouring property by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan, Principles 1, 2, and 3 of the House Extension Supplementary Planning Document and the policies contained within 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 13.00 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			09.08.2022
Floor plans as existing	Dwg no. 2021/327/02		09.08.2022
Elevations as existing	Dwg no.2021/327/01		09.08.2022
Proposed ground floor plan	Dwg no. 2021/327/03		09.08.2022
Proposed first floor plan	Dwg no. 2021/327/04		13.02.2023
Proposed side elevation	Dwg no. 2021/327/06		13.02.2023
Proposed front elevation	Dwg no. 2021/327/05		13.02.2023
Proposed rear elevation	Dwg no. 2021/327/07		13.02.2023

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. Amendments were received during the course of the application to reduce the height of the extension so as to improve its relationship with the host property and reduce its impact on the character of the streetscene.

Report Dated: 23.03.2023