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:	**2022/62/93541/E**
Site Address:	24, Portal Drive, Mirfield, WF14 0JL
Description:	Erection of single storey rear and single storey porch extensions under existing canopy, first floor front extension over existing garage and external remodel with associated works.
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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 25-Jan-2023

Officer Report

Site Description
The application site relates to the two-storey detached dwellinghouse at 24 Portal Drive, Mirfield. The property is located at the end of the cul-de-sac. The dwelling has an existing two storey side extension that includes a first floor front dormer window, and rear conservatory. The dwelling has a ground floor bay window with canopy over that, the front door and an integral garage. The property's primary amenity space is located to the rear. The property has splayed side and rear boundaries. The dwelling is constructed of brick and stone, with concrete roof tiles. The surrounding context of the site is largely of residential use, with a variety of housing types and sizes.

Description of Proposal
Planning permission is sought for the erection of a first floor side extension, single storey front extension and single storey rear extension, together with white render and timber cladding and external alterations. The first floor side extension would be setback 0.8m from the main front elevation, and meet flush with the side elevation of the dwelling. The first floor extension would replace the existing dormer. The single storey front extension would sit under the existing porch and project 0.5m from the main front elevation of the dwelling, whilst the single storey rear extension would replace the existing conservatory and project 3.5m from the rear elevation of the dwelling. The rear extension would have a lean to roof sloping down north-eastwards. The garage would be converted into a lobby/utility room/WC and storage, whilst the office would be enlarged at first floor.

History of negotiations/amendments received
This planning application has been assessed based on the amended drawings submitted after the original proposal was deemed not to retain sufficient spaciousness within the street-scene, nor appear adequately subservient to the dwelling. The first floor extension was subsequently set back from the front elevation, albeit with a flat roof dormer. The flat roof dormer was deemed unsympathetic to the architectural style of the dwelling, and then amended to give it a pitched roof. No further details or amendments were sought thereafter.

Relevant Planning History
2000/91707 - Erection of conservatory. Conditional full permission.
89/04053 - Erection of 2 storey extension to form garage and bedrooms. Granted conditionally.

At 22 Portal Drive:
98/93563 – Erection of extensions and new pitched roof to existing extension. Conditional full permission.

Representations

This application was publicised to nine neighbouring properties through letters, for which the consultation period expired on 16th December 2022. Following this publicity, one representation was received relating to boundary hedging.

Parish/Town Council comments
None.

Consultation Responses

KC Strategic Waste - There is one closed landfill site within 250m of application address.

KC Minerals and Waste Officer - SW0023 (Taylor Hall Lane) lies approximately 247m away, this site has been checked for LFG emission (Shallow spike method) during and after its operational period and average recorded Methane levels were very low at 2% of LEL or less.

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

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
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters
6) Representations
7) Conclusion

<u>1 – Principle of development:</u>

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.

<u>2 –Impact on visual amenity:</u>

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 Extensions and Alterations SPD states that two storey side extensions should, as a guideline, 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, be set back at least 500mm from the front wall of the house, and ideally be visually smaller in relation to the original house. The SPD states that spaces between houses, including driveways, are important in providing a sense of space, local character and attractive appearance of an area and should be retained.

In this case, the proposed first floor side extension would be set back 0.8m from the main front elevation and meet flush with the side elevation of the dwelling – this represents a projection of 3.1m from the original side elevation of the dwelling. The first floor extension would replace the existing dormer and create a new pitched roof extension that would span the width of the existing side extension. The new first floor side elevation would retain 0.7m to the common boundary with No.27 Portal Drive – whilst this would not comply with the SPD, it is recognised that development has already been constructed up to the boundary by the majority of the existing footprint of the original dwelling, and that, given the amendment to set the extension back from the front elevation, that an acceptable sense of spaciousness would be retained on balance.

The amended design, with a new pitched roof element with a roof ridge that would meet the existing roof plane of the dwelling lower than the existing roof ridge, has a subservient appearance to the main dwelling and would be similar to the development at the neighbouring property. The eaves of the dwelling would be continued at the same height at the first floor extension - the extension is considered to appear acceptably proportionate to the original dwelling. The proposed dual-pitched roof of the first floor side extension would be acceptably in-keeping with the architectural style of the property and surrounding area. The proposed front elevation window openings are of acceptable size and style, and would broadly align with existing window openings. The proposed first floor side extension is not considered to appear incongruous within the street-scene, particularly given a similar extension has been constructed next-door, at No.22.

The SPD states that single storey front extension should be small, subservient to the original building, well-designed and would not harm the character of the original house or the area. Furthermore, the materials and design match the existing features of the original house. Single storey rear extensions should, as a guideline, be in-keeping with the scale and style of the original house, not

exceed 4m in height, not project more than 4m from the rear elevation for detached properties, and should retain a gap of at least 1m to the property boundary.

The proposed single storey front extension would sit under the existing porch and project 0.5m from the main front elevation of the dwelling and is considered to be of an acceptably subservient scale. The proposed single storey rear extension would replace the existing conservatory, which projects 3.5m from the rear elevation of the dwelling, and would also project 3.5m from the rear elevation. The rear extension would retain at least 3.5m to the side boundary, and would have a lean to roof sloping down north-eastwards – the ridge would be 3.9m tall. Accordingly, the scale of the rear extension would comply with the guidelines outlined in the SPD.

The proposed development, including the original and existing elevations, would be finished in white render, with timber cladding at first floor on the front elevation and on all elevations of the single storey rear extension. Given that there is a mixed material palette on Portal Drive already, with a range of cladding, pebble dash, render, buff brick, stone, and red brick, the proposed materials are considered not to have an unacceptable impact on visual amenity to the street-scene. The proposed window openings, and 3no. roof lights in the rear extension, are of acceptable size, style and positioning. The proposal would therefore not introduce an unacceptable impact on visual amenity to the surrounding area.

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 first floor side extension would bring development closer to the nearest first floor front elevation window at No.27 Portal Drive, which is likely to be a bedroom window. However, the proposal would retain a 45-degree line of sight from the centre of that window, and is not considered to cause an unacceptable overbearing or overshadowing impact on that window. The first floor side elevation window at No.27 Portal Drive is not thought to be a habitable room window.

The proposed single storey rear extension would retain a 45-degree line of sight from the centre of the nearest habitable room window at No.22 Portal Drive, and is not considered to cause an unacceptable overbearing or overshadowing impact on that property. Although a side elevation window is proposed in the rear extension that would face No.22, this would not have a greater impact than the existing conservatory, and views would be screened by an existing 3m tall conifer hedge. There is therefore not considered to be an unacceptable loss of privacy from the proposal. There are no amenity concerns for the proposed single storey front extension given its modest scale.

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:

The number of bedrooms within the dwelling would remain at three. Off-street parking for at least one vehicle would remain by way of driveway space to the front of the property. Accordingly, a householder extension of this type is considered acceptable in terms of planning regulation.

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

5 – Other matters:

Landfill Site
Whilst it is considered unlikely that methane would be able to migrate this distance in sufficient quantities to present a hazard, it would be appropriate to attach a footnote to any permission as a precaution.

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:

A representation relating to boundary hedging was received during the course of this application, which would not impact the planning assessment.

7 – Conclusion:

This application for a first floor side extension, single storey front and rear extensions, and external alterations at No.24 Portal 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: 2022/93541
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, key design principles of the House Extensions and Alterations SPD and the aims of the National Planning Policy Framework.

3. The 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.

NOTE The applicant is hereby advised that there is one closed landfill site within approximately 250m of the application site. Whilst the levels of methane (CH4) detected during the last shallow spike surveys at this nearby historic landfill site were very low, it is advised that the applicant should consider carrying out landfill gas monitoring prior to development to establish whether landfill gas levels are present. In the event significant levels are discovered appropriate mitigation measures shall be included in carrying out the development to protect against hazard caused by landfill gas migration.

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	(EX)002	A	01.11.2022
Block Plan	(20)002	A	01.11.2022
Existing GA	(EX)001	A	01.11.2022
Proposed GA	(20)001	A	17.01.2023

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. In this case, the design of the original scheme was found unacceptable, and amendments sought to reduce the impact on spaciousness and to appear more subservient to the existing dwelling. Subsequently, a revised scheme was submitted with a flat roof section, which was also considered unacceptable from a visual amenity perspective, and

amendments were sought to retain the architectural style of the original dwelling. No further amendments or details were sought thereafter.

Report Dated: 23.01.2023