

**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:	2022/62/93840/E
Site Address:	100, Priory Way, Mirfield, WF14 9EF
Description:	Erection of single storey rear extension and side dormer
Recommending Officer:	Jennifer Booth

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: 19-Jan-2023

OFFICER REPORT

Site Description

100 Priory Way is a stone built, detached dwelling with an existing single storey rear extension. The style of property is chalet style bungalow with a road facing dormer. The dwelling is located on the corner of Priory Way and Farrar Drive with gardens to the front, west side and rear and a drive along the east side.

The neighbouring properties are similar in terms of age although there are some variances in terms of style.

Description of Proposal

The applicant is seeking permission for a side dormer and a single storey rear extension.

The side dormer would have a width of 8m and a height of 2.5m with a flat roof form.

The single storey rear extension would increase the width of the existing rear extension, across the rear of the dwelling. The projection would be 5m and the width would be 5.8m. The roof would have a pitched roof form.

The dormer would be clad with vertical cladding in a dark grey colour. The rear extension would be constructed using stone and timber cladding for the walling with tiles for the roof covering.

Relevant Planning History

2022/93054 - erection of two storey side and single storey rear extension - refused

Representations

The application was advertised by neighbour letters, which expired on 06/01/2023

As a result of the above publicity, one representation has been received expressing concerns that the rear extension may interfere with a manhole.

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

Consultation Responses

None

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is UNALLOCATED on the Kirklees Local Plan Proposals Map

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP 24** - Design
- **LP 53** - Contaminated land

Kirklees Council adopted supplementary planning guidance on house extensions on 29th June 2021 which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

The site is within Mirfield Neighbourhood Area. There is no made Neighbourhood Development Plan (NDP) within the Mirfield Neighbourhood Area at present. Furthermore there is no emerging NDP to be considered as a material consideration in assessment of this application. Further details on the progress of neighbourhood development plans in the district can be found at: <https://www.kirklees.gov.uk/beta/planning-policy/neighbourhood-planning.aspx>

However, the Mirfield Design Guide 2002 is still of relevance and requires development to be in keeping with the area.

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, and the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

Principle of development:

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with the House Extension SPD and Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

Planning permission has been refused in the last twelve months for a two storey side extension to this property. The current application is for a new proposal for a side dormer and a single storey rear extension which shall be addressed below.

Impact on visual amenity:

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

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

Side dormer

Paragraph 5.24 of the House Extension & Alterations SPD states the roofs are a prominent and visible element of the street scene. There are a wide variety of dormers on the properties on Priory Way. It is appreciated that this property does occupy a prominent position on the corner of both Priory Way and Farrar Drive. However, the dormer proposed to the side is similar to others in the area and would not be out of keeping with the style of property. Furthermore, the use of a dark grey vertically boarded cladding would allow the dormer to blend with the roof plane. The side dormer is therefore considered to be acceptable in terms of visual amenity.

Single storey rear extension

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

The single storey rear extension would form a prominent addition even on the rear of the dwelling given the corner position of the property. The design would be a modern addition to the dwelling with the cedar cladding, full height glazing in the rear elevation with the stone detailing. Given the mix of stylings in the area, this would not be out of character. The projection is a little larger than would normally be supported at 5m however the garden of the property is of a sufficient size to host the extension, allowing distance to the boundaries, whilst retaining a very reasonable amenity space. The single storey rear extension is therefore considered to be acceptable in terms of visual amenity.

Having taken the above into account, the proposed extension and dormer would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extension would form a subservient addition to the property in keeping with the existing building, KDP 1 & 2 of the House Extension and Alterations Supplementary Design Guide and the aims of chapter 12 of the National Planning Policy Framework.

Impact on residential amenity:

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

Impact on 98 Priory Way

The side dormer would face towards the neighbour on the opposite side of the entrance into Farrar Drive with three windows proposed including a bathroom, an ensuite and a bedroom. There are limited openings in the side of the neighbour's property and a separation of approx. 21m. The new windows for the dormer would not be likely to result in any overshadowing, overbearing or overlooking.

The rear extension would not bring the host property any closer to the neighbour on the opposite corner. With approx. 21m separation between the properties, the proposed single storey extension would not result in any overlooking, overbearing or overshadowing.

With regards to the impact on the neighbouring 98 Priory Way, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact, policy LP24 of the KLP c) in terms of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 130 of the NPPF and the proposals are considered to be acceptable.

Impact on 102 Priory Way

The dormer in the side roof plane would be on the opposite side of the host property to the adjacent dwelling and as such would have no effect upon their amenities.

It is appreciated that the rear extension would have a greater than normal projection with 5m proposed. However, there is an existing detached garage between the host property and the adjacent neighbour together with a separation of over 4.5m. The agent has submitted a supporting statement to support the proposals and provide justification for the additional projection. Officers are of the opinion that given the single storey nature of the extension proposed together with the existing arrangements on site including the space maintained and existing garage to mitigate, it is considered that the single storey rear extension can be justified as it would have no overbearing impact, result in no overshadowing or offer any opportunity for overlooking of the adjacent neighbour.

With regards to the impact on the adjacent 102 Priory Way, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact, policy LP24 of the KLP c) in terms of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 130 of the NPPF and the proposals are considered to be justifiable in this instance.

Impact on 69 & 71 Priory Way

Given the 28m separation between the host property and the neighbour on the opposite side of Priory Way, the proposed dormer extension to the side would result in no overlooking, overshadowing or overbearing.

With regards to the impact on the neighbouring 69 & 71 Priory Way, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 130 of the NPPF and the proposals are considered to be acceptable.

Impact on 35 Farrar Drive

The neighbour to the rear occupies a position some 21m from the host property with an electricity substation between the properties. As such, the proposed single storey rear extension would result in no overshadowing, overbearing or overlooking.

With regards to the impact on the neighbouring 35 Farrar Drive, the scheme is considered to be acceptable in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 130 of the NPPF.

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key Design Principles 3, 5, 6 & 7 of the House Extension SPD and Paragraph 130 (f) of the National Planning Policy Framework.

Impact on highway safety:

The proposals will result in some intensification of the domestic use. However, the parking area to the front and east side of the property would not be affected by the proposed extension and is considered to represent a sufficient provision. Bin storage for the dwelling would not be moved as part of the proposals. As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extension SPD.

Other matters:

Contaminated Land

The property is close to a potential source of contaminated land. However, given the limited scale of the domestic development, it is considered to be sufficient to include a condition regarding the reporting of unexpected contamination to comply with LP53 of the KLP.

Carbon Budget

The proposal is a small scale domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

There are no other matters for consideration.

Representations:

One representation has been received expressing concerns that the rear extension may interfere with a manhole.

This is not a material consideration as it is covered under building regulations.

Negotiations:

None

Proposed conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions.

Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.

It is considered to be reasonable and necessary to condition the use of dark grey cladding for the side dormer to ensure a satisfactory appearance.

Given the proximity to a potential source of land contamination, it is considered to be reasonable and necessary to include a condition regarding the reporting of unexpected contamination.

Conclusion:

This application to erect a dormer to the side and a single storey extension to the rear of 100 Priory Way has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extension SPD, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed extension is considered to be acceptable.

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2022/93840

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extension SPD and the aims of the National Planning Policy Framework.

3. The dormer hereby approved shall be clad with a dark grey finish for the vertical boards and thereafter retained.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extension SPD and the aims of chapter 12 of the National Planning Policy Framework.

4. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required.

The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, No part of the site shall be brought into use until such time as the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: So as to protect the development from any potential contaminated land and to comply with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

NOTE: All contamination reports shall be prepared in accordance with *Model Procedures for the Management of Land Contamination – Contaminated Land report 11 (CLR11)*, National

Planning Policy Framework (NPPF) and the Council’s Advice for Development documents or any subsequent revisions of those documents.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours, Mondays to Fridays

08.00 and 13.00hours, Saturdays

With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location plan	(EX)002	963791	24/11/2022
Existing plans	(EX)001	963798	24/11/2022
Proposed site plan	(20)002	963793	24/11/2022
Proposed plans (20)001	(20)002	963795	24/11/2022
Planning statement	-	963797	24/11/2022

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 Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

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

Report Dated

16/01/2023