

**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:	2022/62/93997/E
Site Address:	20, Blake Hall Drive, Mirfield, WF14 9NL
Description:	Erection of single storey side and rear extension including external alterations following demolition of existing detached garage
Recommending Officer:	Nicole Helliwell

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.

John Holmes

AUTHORISED OFFICER

Date: 07-Feb-2023

Officer Report

Reference No. 2022/62/93997/E

Site Address: 20, Blake Hall Drive, Mirfield, WF14 9NL

Proposal: Erection of single storey side and rear extension including external alterations following demolition of existing detached garage

Site Description

The application relates to 20 Blake Hall Drive, a two-storey semi-detached property situated in a residential area in Mirfield. The dwelling is faced in red brick and incorporates a hipped roof form finished in concrete tiles. The property benefits from off road parking to the front and gardens to the front and rear. The neighbouring properties are of residential use and comprise two storey dwellings of similar architectural designs and materials.

Description of Proposal

The application seeks planning permission for a single storey side and rear extension including external alterations to the original dwellinghouse. The existing detached garage will be demolished to allow for the proposed works. The proposed single storey extension would project approx. 2.8m from the existing side elevation and approx. 3.42m from the rear elevation of the host property. It would feature a maximum height of approx. 3.78m and a height to eaves of approx. 2.8m due to changes in ground level.

Relevant Planning History

Not applicable.

Representations

The application was publicised by neighbour notification letters, which expired on 27th January 2023. As a result of the above publicity, one representation has been received. A summary of the objection can be found under the 'Representations' section of the Officer's report.

Mirfield Town Council – No comments received

Consultation Responses

Not Applicable.

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. The most relevant policies for consideration in this case are:

Kirklees Local Plan Policies

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 21** – Highways and Access
- **LP 22** – Parking
- **LP 24** - Design
- **LP 30** – Biodiversity and Geodiversity

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

1. 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 Extensions and Alterations SPD and Chapter 12 of the NPPF, regarding design.

In this case, the principle of development on the application site is considered acceptable, subject to being considered acceptable in relation to visual and residential amenity, as well as highway safety and any other relevant considerations, discussed in detail in the following report.

1. Visual amenity

Key Design Principle 1 of the House Extensions & Alterations 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 SPD goes onto 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.

Paragraph 5.6 of the House Extensions and Alterations SPD sets out that single storey extensions to rear 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.

Paragraph 5.17 of the House Extensions and Alterations SPD sets out that single storey extensions to the side 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.

Single Storey Side and Rear Extension

The proposal would not be set away from the boundary, as part of this application a justification statement has been submitted which sets out that other developments in the locality are also not set away from the boundary. The proposal would see two developments (the host property and no.18) have extensions in close proximity to one another. In this case, given the set back of the front elevation of the extension, and the single storey design, as well as the overall character of the street which has seen a number of developments to neighbouring properties which are up to the boundary, it is considered that it would be unreasonable of the LPA to refuse permission in this case on this ground alone.

The extension proposed would project approx. 2.8m from the existing side elevation and approx. 3.42m from the rear elevation of the original dwellinghouse. The enlargement would incorporate a dual pitched roof finished in concrete tiles and would be faced in brick to match the appearance of the host property. Although the rear extension would have a large width and would exceed the recommended 2.5m eaves height outlined within the SPD, it would appear subservient in relation to the original build and would maintain a sense of space within the plot. Furthermore, the side element of the extension would be modestly proportioned and would retain a distance of approximately 13.7m to the pavement which would reduce its prominence from public vantage points. On this basis, the proposed development would respect the visual amenity of the host property and wider street scene and would be acceptable.

External Alterations

The application also seeks to alter the existing fenestration on the side elevation of the original dwellinghouse. The plans confirm that one of the first floor windows would be removed and blocked up in brick. Given that the proposed alterations would match the original build and would not detract from the character of the host property and surrounding area, they are considered acceptable in terms of visual amenity.

Summary

Having taken the above into account, the proposed development would not cause detrimental 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 proposal would form a subservient addition to the property in keeping with the existing building, KDP 1 & 2 of the House Extensions and Alterations Supplementary Planning Document and the aims of Chapter 12 of the National Planning Policy Framework.

2. 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, Key Design Principle 6 on preventing overbearing impact and Key Principle 7 for outdoor space.

Impact on 22 Blake Hall Drive

The proposed single storey side and rear extension would be positioned approximately 0.24m from the common boundary shared with 22 Blake Hall Drive. However, the submitted plans confirm that the proposed extension would not surpass the rear elevation of the neighbouring property and would accord with the 45 degree rule in relation to their ground floor fenestration. Therefore, it is considered that there would be no undue harm to the neighbouring amenity with regards to overbearing, overshadowing or overlooking.

Impact on 18 Blake Hall Drive

The proposed single storey side and rear extension would be sited in close proximity to the common boundary shared with 18 Blake Hall Drive. However, it is noted that the neighbour's side elevation contains no fenestration at ground and first floor level. Furthermore, the enlargement would not project forward of the neighbour's rear elevation and would comply with the 45 degree rule in relation to their ground floor fenestration. On this basis, it is considered that the proposed development would not result in any significant harm to the neighbouring occupants and would be acceptable.

Impact on 3 Blake Hall Road

3 Blake Hall Road is a detached bungalow located to the rear of the application site. It is noted that the proposed single storey extension would contain new fenestration on the rear elevation and would have a slightly elevated position. However, it is considered that the neighbouring occupants would not experience any further harm to their residential amenity given that the host property already contains windows facing this direction and given the single storey design of the proposal and distance between these properties would remain in excess of 21m.

Occupier Amenity

The plans confirm that sufficient outdoor amenity space of a functional layout would be retained at the site. On this basis, the proposed works would ensure an acceptable standard of amenity for existing and future occupants.

Summary

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, or occupiers of the host property, 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 Extensions and Alterations SPD and Paragraph 130 (f) of the National Planning Policy Framework.

3. Highway Safety

Although the proposal would not intensify the domestic use at the dwelling, it would affect the existing parking arrangements on site. The submitted plans confirm that the proposed single storey side extension would reduce the size of the existing driveway. However, it is noted that off road parking would be retained for two vehicles which would represent a sufficient provision. It is also noted that the waste storage arrangement would remain the same as existing. For this reason, the development is considered acceptable in accordance with Policies LP21 and LP22 of the KLP, Chapter 9 of the NPPF, Principles 15 and 16 of the Kirklees House Extensions and Alterations SPD and the Highways Design Guide SPD.

4. Other Matters

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.

Biodiversity

Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

Whilst the site is in an area identified as being within a 'bat alert' layer on the Kirklees Local Plan, given that the proposed development is small scale, a footnote will be added to the decision notice to provide advice to the applicant should bats or bat roosts be found during construction.

5. Representations

One representation was received following the statutory publicity. The material considerations raised are summarised as follows:

- The extension will close the gap and will create an undesirable terracing effect due to the double height side extension of no.18 which is to the boundary and not set back. There are not any terraced houses on the Blake Hall Estate.
- Due to the sloping nature of the estate being built on a hill, what appears to be acceptable at one level, will look like a full 2 storey extension from properties to the rear on Blake Hall Road.

These matters have been addressed within sections 2 and 3 of this report.

6. Negotiations

No amendments were sort or received during the course of the application.

7. Conclusion

This application for the erection of single storey side and rear extension including external alterations at 20 Blake Hall Drive has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions and Alterations 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 development 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. 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: 2022/93997

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 with Policies LP1, LP2, LP21, LP22, LP24 and LP30 of the Kirklees Local Plan, Key Design Principles 1 & 2 of the House Extensions and Alterations SPD and policies within Chapters 2 and 12 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 Policy LP24 of the Kirklees Local Plan, Key Design Principles 1 & 2 of the House Extensions and Alterations SPD and policies 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: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

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
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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	Revision	Date Received
Location Plan	1475-10		19/12/2022
Existing and Proposed Plans	1475-01	02	19/12/2022

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. In this case, the design of the original scheme has been found acceptable. No further amendments or details were sought thereafter.

Report Dated: 30/01/2023