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:	**2023/62/90049/E**
Site Address:	67, Park Drive, Mirfield, WF14 9NH
Description:	Erection of two storey rear extension, first floor side extension and timber fence following partial removal of hedge
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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 02-Mar-2023

Officer Report

Reference No. 2023/62/90049/E
Site Address: 67, Park Drive, Mirfield, WF14 9NH
Proposal: Erection of two storey rear extension, first floor side extension and timber fence following partial removal of hedge

Site Description
The application relates to 67 Park Drive, a two storey link detached property situated in a residential area in Mirfield. The dwelling is faced in brick and incorporates a dual pitched roof finished in tiles. The property benefits from off road parking to the front and a sufficiently sized garden to the rear. The neighbouring properties are of residential use and comprise two storey dwellings of varying materials and architectural styles.

Description of Proposal
The applicant seeks planning permission for the erection of a two storey rear extension, a first floor side extension and the erection of a timber fence. The existing boundary treatment shared with 69 Park Drive would be partially removed to allow for the proposed works.

The proposed two storey extension would project approximately 3m from the rear elevation of the original dwellinghouse. It would feature a maximum height of approx. 6.65m and a height to eaves of approx. 5.23m. The first-floor side extension would measure approximately 3.45m wide and would set back approx. 6m from the principal elevation. The addition of the first-floor extension would create a cumulative height with the existing single storey element of approx. 6.5m.

Relevant Planning History
Not Applicable.

Representations
The application was publicised by neighbour notification letters, which expired on 23rd February 2023. As a result of the above publicity, no representations have been received.

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.

In this case, the following SPDs are applicable:
- Highways Design Guide SPD (adopted 4th November 2019)
- Biodiversity Net Gain Technical Advice Note (adopted 29th June 2021)
- House Extensions and Alterations SPD (adopted 29th June 2021)

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
- **Chapter 15** - Conserving and Enhancing the Natural Environment

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, and shall be assessed against other material planning considerations, including visual and residential amenity, as well as highway safety.

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.

Two Storey Rear Extension

The proposed two storey extension would extend 3m from the rear elevation of the original dwellinghouse. The enlargement would be faced in brick and would incorporate a dual pitched roof finished in tiles to match the appearance of the host property. Although the extension would feature a high ridge line, it would appear proportionate and would have an acceptable scale relative to the original build. Furthermore, the enlargement would maintain a sense of space within the plot. Therefore, it is considered that the proposed development would respect the visual amenity of the host dwelling and neighbouring properties and would be acceptable in this regard.

First Floor Side Extension

The proposed extension would be a modest first floor addition to the existing single storey element of the property. The extension would incorporate a dual pitched roof and would be constructed in a material palette to match the appearance of the original dwellinghouse. The enlargement would also be set back 6m from the principal elevation and would be set down from the existing ridge line such that it would have some form of subservience to the

original build. Furthermore, the submitted plans confirm that approximately 0.94m would be retained to the common boundary shared with 65 Park Drive. Whilst this measurement would fall marginally short of the 1m SPD requirement, in this instance, given that the properties already adjoin via the garage, it is considered acceptable. On this basis, it is considered that the proposed development would respect the character and appearance of the street scene and would be acceptable in terms of visual amenity.

It is noted that there are a number of different house types within Park Drive, with several properties having been extended. Within this context, and for the reasons set out above, the proposals would be acceptable in visual amenity terms.

Boundary Fence

The fence would be erected along the common boundary shared with 69 Park Drive and would replace part of the existing boundary treatment on site. The plans confirm that the fence would be constructed in timber and would measure 1.8m above ground level. The fence would have limited visibility from public vantage points and is considered to have an acceptable impact on the character and appearance of the surrounding area, although would likely be permitted development in any event.

Summary

Having taken the above into account, the proposed development 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 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.

The submitted plans confirm that no properties located to the rear of the application site would be affected by the proposed works.

Impact on 65 Park Drive

The proposed two storey rear extension would be positioned approximately 0.93m from the common boundary shared with 65 Park Drive. It is noted that the neighbouring property contains a conservatory in close proximity to the boundary line. However, the plans confirm that the enlargement would accord with the 45 degree rule in relation to the neighbour's ground and first floor fenestration. On this basis, it is considered that the proposed development would have an acceptable impact on the neighbour's residential amenity.

It is noted that the proposed first floor side extension would have no significant impacts on the neighbour's residential amenity given that 65 Park Drive contains no fenestration on the side elevation. Furthermore, it is noted that the extension would be sited above the existing garage and would not surpass the front or rear elevations of the original build.

Impact on 69 Park Drive

69 Park Drive is a residential property located south of the application site. Although the proposed two storey rear extension would be constructed along the common boundary and would project forward of the neighbour's rear elevation, it would accord with the 45 degree rule in relation to their ground and first floor fenestration. Therefore, it is considered that there would be no undue harm to the neighbouring occupants with regard to overlooking, overshadowing and overbearing impact.

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, 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

The proposal would create an additional bedroom, which would intensify the domestic use at the dwelling. However, it is noted that off road parking would be retained for three vehicles which is considered to represent a sufficient provision for a four bedroomed dwellinghouse. Furthermore, the waste

storage arrangement would remain the same as existing. For these reasons, 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.

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

Whilst the site is located in an area identified as being within a 'bat alert' layer on the Council's GIS mapping system, in this instance, the nature of the works is considered unlikely to have a detrimental impact on the bat population. However, a footnote will be added to the decision notice to provide the applicant with advice should bats or bat roosts be found during construction. This would accord with the aims of Policy LP30 of the Kirklees Local Plan, the Council's Biodiversity Net Gain Technical Advice Note, and Chapter 15 of the National Planning Policy Framework.

There are no other matters relevant to the determination of this application.

4. Representations

No representations were received following the statutory publicity.

5. Negotiations

Amendments were sought during the course of the application. A request was made to set the ridge height of the proposed two storey rear extension lower than the existing ridge line. Whilst revised drawings were received, it was considered that the roof profile would have an awkward appearance. Therefore, Officers were happy for the applicant to revert back to the original plans.

6. Conclusion

This application for the erection of a two storey rear extension, first floor side extension and timber fence at 67 Park 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 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: 2022/90049
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 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.
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 the aims of 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

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**	**Date Received**
Location Plan	-	13/01/2023
Existing Elevations	2022/395/01	13/01/2023
Existing Floor Plans	2022/395/02	13/01/2023
Proposed Front Elevation	2022/395/03	13/01/2023
Proposed Rear Elevation	2022/395/04	13/01/2023
Proposed Left Side Elevation	2022/395/06	13/01/2023
Proposed Right Side Elevation	2022/395/06	13/01/2023
Proposed Ground Floor Plan	2022/395/07	13/01/2023
Proposed First Floor Plan	2022/395/08	13/01/2023
Proposed Site Plan	2022/395/09	13/01/2023
Proposed Section	2022/395/10	13/01/2023

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 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: 01/03/2023