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:	**2023/62/90785/E**
Site Address:	104, Sunny Bank Road, Mirfield, WF14 0JS
Description:	Erection of two storey side extension and external alterations
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: 09-May-2023

Officer Report

Reference No. 2023/62/90785/E
Site Address: 104, Sunny Bank Road, Mirfield, WF14 0JS
Proposal: Erection of two storey side extension and external alterations

Site Description
The application relates to 104 Sunny Bank Road, a two-storey semi-detached property situated in Mirfield. The dwelling is faced in red brick and incorporates a hipped roof finished in tiles. The property benefits from off road parking to the front and a sufficiently sized garden to the rear. The neighbouring dwellings comprise bungalows and two storey properties of varying materials and architectural styles.

Description of Proposal
The applicant seeks planning permission for the construction of a two-storey side extension and associated external alterations. The detached outbuilding to the rear of the site will be demolished to allow for the proposed works. Permission is not required for the internal alterations to the property and therefore, the only matters for consideration are the proposed external alterations and extension. The proposed two storey side extension would project approximately 2.15m from the side elevation of original dwellinghouse. It would have a maximum height of approx. 7.07m and a height to eaves of approx. 5.6m.

Relevant Planning History
Not applicable.

Representations
The application was advertised by neighbour notification letters, which expired on 25th April 2023. As a result of the above publicity, one representation has been received. A summary of the neighbour's comments 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

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)
- 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

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) states 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 Side Extension

The proposed two storey extension would extend approximately 2.15m from the side elevation of the original dwellinghouse. The enlargement would be faced in red brick and would incorporate a hipped roof finished in tiles to match the appearance of the host property. The extension would feature a lower ridge line and would be set back approx. 0.2m from the principal elevation at both ground and first floor level such that it would have some form of subservience to the original build. Although the proposed extension would not retain 1m to all property boundaries, it would have an acceptable scale relative to the original build, would maintain a sense of space within the plot and would not give rise to any terracing effect. On this basis, the proposal is not considered to have a significant visual impact on the character and appearance of the host property and surrounding area and therefore would be acceptable in this regard.

External Alterations

The application also seeks to replace the existing bedroom window on the front elevation with a smaller window to serve the new ensuite. Given that the fenestration would be appropriately designed and would be in keeping with the style of the original build, it is considered acceptable from a visual amenity perspective, however is likely to constitute permitted development in any case.

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 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 3 Portal Drive

The proposed two storey rear extension would occupy a position approximately 21m from the rear elevation of 3 Portal Drive and would accord with the separation distances outlined within the SPD. Therefore, it is considered that there would be no undue harm to the neighbouring amenity with regards to overbearing, overshadowing or overlooking.

Impact on 102 Sunny Bank Road

102 Sunny Bank Road is a two storey semi-detached property situated south-east of the application site. It is noted that the proposed two storey side extension would have no significant impacts on the neighbour's residential amenity given that the enlargement would not project forward of the neighbour's front and rear elevations and would comply with the 45 degree rule in relation the neighbour's ground and first floor fenestration.

Impact on 106 Sunny Bank Road

106 Sunny Bank Road is a detached bungalow situated north of the application site. The plans confirm that the proposed two storey side extension would not project forward of the neighbour's front and rear elevations and would comply with the 45 degree rule in relation the neighbour's fenestration. Furthermore, it is noted that the neighbouring property contains no fenestration on the side elevation of the dwelling. On this basis, it is considered that there would be no undue harm to the neighbouring occupants with regard to overlooking, overshadowing and overbearing impact.

Impact on 125 Sunny Bank Road

The proposed two storey side extension would occupy a position approximately 32m from the front elevation of 125 Sunny Bank Road. Given that the separation distance retained would be substantial, it is considered that the proposal would have an acceptable impact on the neighbour's residential amenity.

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

Although the proposal would not intensify the domestic use at the dwelling, it would reduce the size of the existing driveway. However, the proposed site plan demonstrates that off road parking would be retained for two vehicles which is considered to represent a sufficient provision for a three bedroomed dwellinghouse. Therefore, the proposed 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.

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

5. Representations

One representation was received following the statutory publicity. Concerns were raised the enlargement overhanging the neighbour's land and disrupting the land and wall. However, the enlargement would be within the applicant's red line boundary and is not considered to encroach on the neighbour's land. Other matters such as maintenance work and insufficient space for scaffolding were raised. However, these are civil matters that should be handled privately and would not constitute material planning considerations.

6. Negotiations

A request was made to amend the design of the extension by setting the proposed two storey side extension down from the ridge line of the original build and back from the principal elevation. Revised drawings were received which were considered acceptable from a visual amenity perspective.

7. Conclusion

This application for the erection of a two-storey side extension and external alterations at 104 Sunny Bank Road 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: 2023/90785
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 and LP24 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 and 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 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: 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	Revision	Date Received
Location Plan	-	-	15/03/2023
Existing Plans and Elevations	4599.E.1	A	15/03/2023
Proposed Plans and Elevations	4599.P.1	E	25/04/2023
Climate Change Statement	-	-	15/03/2023

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. The Case Officer undertook negotiations with the agent to secure amended plans. The revised drawings received were considered acceptable.

Report Dated: 25/04/2023