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:	**2023/62/90955/E**
Site Address:	18, The Coppice, Mirfield, WF14 0PG
Description:	Demolition of existing conservatory and erection of single storey rear extension
Recommending Officer:	Katie Wilson

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: 05-Jul-2023

HOUSEHOLDER DELEGATED REPORT

Application Number	2023/90955
Location	18, The Coppice, Mirfield, WF14 0PG
Proposal	Demolition of existing conservatory and erection of single storey rear extension
Publicity end date	11th May 2023
Number of representations received	None
Kirklees Local Plan Allocation/Designation	Unallocated
Extension to Time (EoT)	Yes **EoT Date: 05.07.2023**
Recommendation	Conditional Full Permission

	NO	YES
Applicant a Council Member or Officer in Investment and Regeneration (Skills and Regeneration)	✓	
Contrary to previous decision	✓	
Called in by Ward Member	✓	
Significant number of representations received	✓	

If 'No' to all above, proceed with a fast track report

By indicating that the development proposal complies with relevant national and local policy and the 'House Extensions and Alterations' Supplementary Planning Document, the planning officer is taking into account the information submitted with the application, any previous relevant applications, observations during any site visit, any comments received in connection with the application and any other considerations which are material to the decision.

Policy

National

National Planning Policy Framework (NPPF) July 2021
National Planning Practice Guidance (NPPG)

- NPPF Chapter 2 – Achieving sustainable development
- NPPF Chapter 12 – Achieving well-designed places

- NPPF Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Local

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 51** – Protection and improvement of air quality

Supplementary Planning Document 'House Extensions and Alterations' (2021).

- Key design principle 1: Local character and street scene
- Key design principle 2: Impact on the original house
- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 10: Renewable energy
- Key design principle 11: Water retention
- Key design principle 12: Natural environment
- Key design principle 13: Vegetation and tree planting
- Key design principle 14: Drainage and flood risk
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

	YES / NO	**SUMMARY**
Negotiations/Amendments during course of application	No	
Parish/Town Council comments sought (Mifield Town Council)	Yes	No response
Planning History		At the application site:

		92/00681 – Erection of residential development. Conditional full permission. 2000/92984 – Erection of conservatory and first floor extension. Conditional full permission. Planning application details | Kirklees Council Neighbouring property – 16, The Coppice: 2004/90713 – Erection of 2-storey extension. Conditional full permission Planning application details | Kirklees Council
Consultations required	No	

Assessment

The Kirklees SPD sets out that single storey rear extensions should comply with certain parameters set out at paragraph 5.6 on page 24 (and listed below) and if they do not, they need to be justified:

Single storey rear extensions should:	**Yes - COMPLY**	**No - JUSTIFY**
Set behind the original building, not projecting beyond the side and maintain external access to the rear garden	Yes – the proposed development would retain external access between the front and rear gardens.	No – the proposed extension would project a small amount beyond the side elevation, but it retains the same footprint as the conservatory it would replace and so it is considered that this relationship has already been established. Furthermore, the current proposal is considered acceptable

		in terms of visual and residential amenity as detailed in sections below.
Be in keeping with the scale and style of the original house.	Yes – original house a relatively modern detached 2-storey building with integral garage built approximately 30 years ago. Red brick walls at ground floor level with off white render above. Dual pitched roofs surfaced in grey tiles. More recently built conservatory at the back together with moderately sized garden enclosed by other houses to all sides. Current proposal would replace existing conservatory with single storey rear extension on slightly wider footprint. The scale of the original part of the house would be retained. The style of the proposed extension would be more contemporary incorporating a set of multiple bi-folding doors and flat roof with central lantern light, but in officers opinion this would complement the appearance of the existing house.	

Not normally cover more than half the total area around the original house (including previous extensions and outbuildings)	Yes, the proposal would not cover more than half of the outdoor space.	
Not exceed 4 metres in height	Yes, it would not exceed 4.0m high	
Not project out more than 3 metres from the rear wall of the original house for a semi-detached or terraced house, or by 4 metres for detached properties	Yes, it would not project more than 4.0m	
Where they exceed 3m in length the eaves height should generally not exceed 2.5 metres; and		No – The proposed extension would have a flat roof with eaves approximately 2.8m high. In officers' opinion this would not cause harm to visual or residential amenity.
Retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.		No. However, in this instance it would replace an existing conservatory that is the same distance from the boundary and it would project the same distance. In addition, the adjacent neighbouring property (20, The Coppice) already has a largely blank 2-storey side elevation close to

		the same boundary and more recent single storey extension projecting considerably further. As such it is considered that this provides mitigation together with close boarded fence (around 2.0m high) along the mutual boundary.

Design and Visual Amenity: Are the considerations in the following table acceptable?

Summary of local street scene/character:

The application property is a relatively modern 2-storey detached house with later conservatory at the back. Its walls are red brickwork at ground floor level with off white render above and the roof is dual pitched and surfaced in grey concrete tiles.
It has a small garden and drive to the front with larger garden at the back enclosed by other gardens to all sides.

The property is located near the head of a cul-de-sac residential estate of mainly 2-storey detached and semi-detached houses in similar materials but slightly different designs and a number have been extended in various ways

Due to the configuration of the houses on this estate, this application site is rather tucked away along a driveway off the head of the cul-de-sac, and so it is screened by surrounding houses, therefore its impact upon the street-scene is limited to part of one side gable end and its front elevation, at an angle.

The houses are quite closely packed and most have gardens to the front and rear although a few have their main amenity space to the side.

Consideration has been given here in terms of the proposal's impact on the local character and street scene, including subservience, terracing and building line

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	**Further comments**	**✓ / X / N/A**

Impact on the Local character and street scene	• KDP1 of the SPD • Policy LP24 Design (a) and (c) of the KLP • Chapter 12 NPPF	The proposal would replace an existing conservatory on a slightly larger footprint and similar height. The design of the proposed extension is more contemporary, with flat roof, lantern light and multiple bi-folding doors. In officers' opinion it would have very limited impact upon the street scene as it would be screened by the original part of the house or surrounding buildings.	
Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	The proposed extension would appear subservient to the original part of the house. It is considered that it would be a satisfactory contemporary replacement for the existing conservatory.	
Height, scale and massing	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	The original house is a 2-storey detached house. The current proposal would be single storey with flat roof design and would have the same projection as the replaced conservatory. As such it is considered that it would be subordinate to the host dwellinghouse.	
Facing materials and detailing	• KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP	The proposed extension would have external walls in brickwork to match the existing together with multiple bi-	

	• Chapter 12 of the NPPF	folding doors and windows. The roof is also largely flat with central lantern light. These materials and design details are considered acceptable as a contemporary addition to this relatively recently built house.	
Roof style	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	As above.	
Window proportions	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	The window proportions are similar to those on the existing house, and the bi-folding doors are a modern addition. The new glazing is considered acceptable.	
Accessibility for all users	• KDP 17of the SPD • Policy LP24 Design (f) • Chapter 12 of the NPPF	Private domestic extension which would not change the existing access into / around the property.	

The design of the proposal is therefore acceptable and accords with policies LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Residential Amenity: Are the considerations in the following table acceptable?

The main properties affected are:

- *No. 16, The Coppice – It is a 2-storey detached house on land to the south of the application site with a 2-storey extension at the back set in from the mutual boundary. Its facing side elevation is blank except for a small window at ground floor level in the extension. Along the mutual boundary is a close boarded fence around 2.0m high.*

- *No. 20, The Coppice – It is another 2-storey detached house on land to the north of the application site. Its footprint is considerable set back from the front building line of the house at the application site and it has a more recently built single storey rear elevation which projects beyond the proposed extension. Its south facing side elevation is parallel, at close quarters and largely blank except a high sill window. Along the mutual boundary is a close boarded fence around 2.0m high.*

- *No 10, The Coppice – It is a further 2-storey detached house on adjacent land to the south east of the application site. there is no direct relationship between it and the house at the application site, but its main amenity space is to the northern side and borders the back garden at the application site.*

- *No 8, The Coppice – It is also a 2-storey detached house. Its west facing side elevation is blank and faces directly onto the rear of the house at the application site. In between is the rear garden at the application site and the side garden of 10, The Coppice, with associated boundary fencing approximately 2.0m high.*

- *Other neighbouring properties are further away and screened either entirely or to a very great extent by the existing house at the application site.*

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	**Further comments**	**✓ / X / N/A**
Impact on privacy of neighbours (to northern side)	• KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	16, The Coppice is approximately 6.5m from the proposed extension with boundary fencing in between and just one small window in facing elevation at ground floor level. As such it is considered that there would be very limited overlooking impact from the window in south elevation of the proposed extension. 18, The Coppice is approximately 2.5m from the proposed extension.	

		However there is a fence around 2.0m high along the mutual boundary and the facing elevations are largely blank (except a high sill window at 18, The Coppice). As such it is considered that there would be no significant overlooking impact. 10, The Coppice would be at least approximately 10.0m from the proposed extension with boundary fencing in between and there would be no direct relationship between the buildings or windows. As such it is thought that there would be no significant overlooking impact. 8, The Coppice would be approximately 13.0m from the proposed extension with boundary fencing and the garden to 10, The Coppice in between. There would be a direct relationship between the rear elevation of the proposed extension and the facing side elevation of 8, The Coppice, however its side elevation is blank. As such it is considered that there would be no significant, overlooking impact. No other neighbouring properties would be potentially affected by the proposed extension as they would be screened either by the host	

		dwellinghouse or surrounding properties. The proposal would therefore comply with the relevant policies.	
Impact on light and outlook of neighbours (to sides, rear and front)	• KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF	As the proposed extension is single storey with a flat roof and given the distances detailed above, it is considered that there would be very limited, if any overshadowing or overbearing impacts on the neighbouring properties at 8, 10, 16 and 20, The Coppice and comply with the relevant policies	
Remaining garden space of application property	• KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF	As the propped development would replace existing conservatory on very similar footprint, it would have minimal impact upon the existing garden space. It would therefore comply with the relevant policies.	

The proposal is therefore acceptable in terms of residential amenity and accords with policy LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Highways and Parking: Are the following acceptable?

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	**Further comments**	**✓ / X / N/A**
Impact on highway safety	• KDP 15 of the SPD	The proposed development would not impact upon existing access to the highway,	

	• Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	and complies with relevant policies.	
Parking provision	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	The proposed development would not require additional parking provision, nor would it affect the existing parking arrangements.	
Provision for waste storage	• KDP 16 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	The proposed development would not affect the existing arrangements for the storage and collection of household waste.	

The proposal is therefore acceptable in terms of highways and parking and accords with policies LP21 and LP22 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Other matters: Are the following acceptable?

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	**Further comments**	**✓ / X / N/A**
Impact on trees	• KDP 13 of the SPD • Policy LP24 Design (d) (i) (iv) Policy LP33 Trees • Chapter 12 of the NPPF	No trees would be affected by the proposed development	
Carbon Budget / Climate change statement	• KDP 8, 9, 10 & 11 of the SPD • Policy LP51 • Chapter 14 of the NPPF	Small scale domestic development to an existing dwelling. As such, no special measures required in terms of the planning application with regards to carbon emissions.	✓
Drainage and Flood Risk	• KDP 14 of the SPD	The proposed development is not located within an	✓

	• Policy LP24 (d) (vii), LP27 and LP34 of the KLP	identified Flood Risk Zone 2 or 3 area. Surface water run-off would be towards rear garden and neighbouring properties at lower level.	
Contaminated land.	• Policy LP53 of the KLP	The property is close to a potential source of contaminated land – closed land fill. 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.	

The proposal is therefore acceptable in terms of the above listed other matters and accords with policies set out in the Kirklees Local Plan, the SPD and the NPPF.

Representations, including Parish/Town Council comments:

Summary of Representation	**Officer response**	Addressed **N/A**
None		

Conclusion:

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: CONDITIONAL FULL PERMISSION

Decision Authorisation - Delegated Powers
Application Number: 2023/90955
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 accord with Policies LP01, LP02, LP21, LP22 & LP24 of the Kirklees Local

Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 9, 12 and 14 of the National Planning Policy Framework

3. The external walls 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 in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, Principles 1 and 2 the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within 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 works on site (save for site investigation works) shall cease immediately and the Local Planning authority shall be notified in writing within 2 working days. Works on site 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. No part of the site shall be brought into use until such time as the whole 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: To identify and remove unacceptable risks to human health and the environment and to accord with Policy LP 53 of the Kirklees Local Plan and the aims in 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 3.00hours, 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**	**Version**	**Date Received**
Location plan	Dwg no. (EX)002	Rev A	28.03.2023
Existing and proposed block plans	Dwg no. (20)002	Rev A	28.03.2023
Existing plan and elevations	Dwg no. (EX)001	Rev A	28.03.2023
Proposed plan and elevations	Dwg no. (20)001	Rev A	28.03.2023

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 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. It was not considered necessary to seek any amendments/further information during the course of this application.

Report Dated: 05.07.2023