

**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:	2023/62/91109/E
Site Address:	54, Knowl Road, Mirfield, WF14 8DL
Description:	Erection of first floor extension and extension to garage roof
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: 18-Oct-2023

OFFICER REPORT

Site Description

54 Knowl Road is a detached, stone built bungalow with gardens to the front and rear with a garage attached to the side.

There is open and wooded land to the sides and rear with a residential property to the front.

Description of Proposal

The applicant is seeking permission for an increase in height to form a two storey dwelling with a replacement pitched roof over the garage.

The eaves height would be increased from 2.5m to 6.3m and the overall height would be increased from 5.4m to 8.8m.

The roof over the garage would be altered from a flat roof to a pitched roof.

The walls would be built up with stone on the front and north west walls and brick for the rear and south east side and the roof over both the house and the garage would be tiled.

Relevant Planning History

None

Representations

The application was advertised by neighbour letters, which expired on 16/06/2023

As a result of the above publicity, three representations have been received. The material considerations raised are summarised as follows:-

- The extension is out of character with the house in terms of design and materials.
- Noise and disturbance during construction.
- Loss of privacy.

Although other matters may have been raised such as access, ownership and drainage along with publicity and inaccuracies in the form, these are not material planning considerations.

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

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

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 & Alterations 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.

Impact on visual amenity:

Key Design Principle 1 of the House Extension & Alterations 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 House Extension & Alterations SPD 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.

Whilst extending the property upwards with a first-floor addition is not going to appear subservient to the dwelling, the variances in terms of the style and size of the neighbouring properties along Knowle Road and in the wider area is such that the alterations would not be out of character, and this can, in such site-specific circumstances, mitigate the impact in terms of relationship to the host and wider area. Paragraph 4.2 of the House Extension SPD recognises the importance of local context and it is not considered that the development would be out of character with this. Furthermore, there have been recent appeal decisions which have allowed for first floor additions which are not

strictly subservient. Although it is noted that the immediately adjacent property is a bungalow, the applicant has supplied an additional section plan which assists in demonstrating that the development would not appear out of scale, or unduly dominant or incongruous in the context of the properties within the wider vicinity.

The materials proposed to build up would match the main house and the fenestration together with the detailing are considered to be appropriate for the style of property.

Guidance in the Council's House Extensions and Alterations Supplementary Planning Document (the SPD) advises that careful consideration should be given to first floor extensions to bungalows and that increasing the height of a property by amending the roof pitch or eaves height is usually unacceptable where roof pitches and heights in the street scene are consistent. However, for the reasons given, in this case the extensions would not appear unduly dominant or discordant in relation to the existing building or within the varied context of the site's surroundings.

Having taken the above into account, the proposed extension 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 & Alterations SPD 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 House Extension & Alterations 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.

There are no properties to the sides or rear which could be affected by the works proposed.

Impact on 56 Knowl Road

The increase in the height of the dwelling would have the potential to result in some overshadowing in the afternoon and for the formation of an overbearing impact. The applicant has provided a section plan showing the relationship between the host property and the adjacent dwelling. The front elevation of the property aligns, for the most part, with the blank side elevation of the adjacent bungalow. This relationship would limit the potential for overshadowing or an overbearing impact. Furthermore, the distance to the

boundary and garage also mitigates the impact. There are no windows proposed in the front elevation which could result in any loss of privacy. AS a consequence it is not considered that the scale and mass increase would result in a material loss of amenity to the adjoining neighbour.

With regards to the impact on the adjacent 56 Knowl Road, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extension & Alterations SPD, 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.

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 & Alterations 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 of the property would not be affected by the proposed extension upwards with space for at least two vehicles and with the garage providing a third space, the on site parking 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 & Alterations 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.

There are no other matters for consideration.

Construction

Construction practices are covered by other regulations and it is not considered necessary or reasonable to attach a condition regarding site working times, but an informative regarding construction practices can be attached instead if permission is granted.

Representations:

Three representations have been received. The material considerations raised are summarised as follows:-

- The extension is out of character with the house in terms of design and materials – *This is a material consideration relating to visual amenity which has been addressed within the relevant section of this report. For the site specific reasons outlined the development is considered acceptable.*
- Noise and disturbance during construction– *This is a material consideration relating to residential amenity which has been addressed within the relevant section of this report. 'Construction practices are covered by other regulations and it is not considered necessary or reasonable to attach a condition regarding site working times, but an informative regarding construction practices can be attached instead if permission is granted'.*
- Loss of privacy – *This is a material consideration relating to residential amenity which has been addressed within the relevant section of this report. For the reasons outlined the development is not considered to result in a material loss of privacy or amenity for any adjoining occupants.*

Although other matters may have been raised such as access, ownership and drainage along with publicity and inaccuracies in the form, these are not material planning considerations. *That being said, further to these matters, the applicant has corrected the certificates and served appropriate notice. Furthermore, there are no protected trees on the site.*

It has also been mentioned in the representations that there are concerns that appropriate publicity has not been carried out. *The legislatively required publicity has been carried out with neighbour letters being sent by post and the application has been available for review on the Kirklees website. Although it was noted that the site is adjacent to a PROW, as the alterations would not bring the house closer to the PROW and the alteration to the garage roof from a flat roof to a pitched roof is a limited alteration it was not considered necessary to advertise by press and site notice.*

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.

Matching materials to ensure that the extensions harmonise with the host property as using alternative materials would look out of place within the street scene.

Conclusion:

This application to extend 54 Knowle Road upwards has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extension & 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: 2023/91109

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 & 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 of the House Extension & 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	Web ID	Date Received
Location & site plan	2023-4-13-9-3-42	986795	20/06/2023
Existing floor plans	2023-4-13-9-3-26	986789	20/06/2023
Existing elevations	2023-4-13-9-6-38	985118	20/06/2023
Existing plans	2023-4-13-9-5-9	985117	20/06/2023
Proposed floor plans	2023-4-13-9-7-51	985119	20/06/2023
Proposed elevations	2023-4-13-8-3-42	986790	20/06/2023
Proposed plans	2023-4-13-9-5-57	985120	20/06/2023
Proposed section	-	1011583	11/10/2023
Climate change statement	-	986788	20/06/2023

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.

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

Report Dated

28/07/2023

