# 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: | **2023/62/91114/E** |
| Site Address: | 20, Portal Crescent, Mirfield, WF14 0JJ |
| Description: | Erection of first floor side and 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: 24-Jul-2023**

**HOUSEHOLDER DELEGATED REPORT**

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|---|---|
| **Application Number** | 2023/91114 |
| **Location** | 20, Portal Crescent, Mirfield, WF14 0JJ |
| **Proposal** | Erection of first floor side and rear extensions |
| **Publicity end date** | 29 May 2023 |
| **Number of representations received** | none |
| **Kirklees Local Plan Allocation/Designation** | Unallocated |
| **Extension to Time (EoT)** | **Yes** **EoT Date:** 24.07.2023 |
| **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 | n/a |
| Parish/Town Council comments sought<br><br>(Mirfield) | Yes | No comment received |
| Planning History | No | |
| Consultations required | No | |

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**Assessment**

The Kirklees SPD sets out that side extensions in general should be located and designed to minimise the impact on local character of the area, with design to reflect the original building in terms of roof style, pitch, materials and detailing. It goes on in paragraph 5.16 (page 28) to set out how side extension should maintain residential amenity. It then states that two storey and first floor side extensions should comply with certain dimensions set out at paragraph 5.22 (page 30) and two storey rear extensions should comply with criteria set out in general terms in paragraph 5.1, (page 23) with more details on paragraph 5.8 (page 25). These are all listed below

If proposals do not comply, they need to be justified:

| **Side extensions in general should:** | **Yes - COMPLY** | **No - JUSTIFY** |
|---|---|---|
| Be located and designed to minimise the impact on local character of the area | Yes – It would be significantly set back from the front elevation and the design would be relatively small, reflecting design features of the host dwellinghouse. | |
| Be designed to reflect the original building in terms of roof style, pitch, materials and detailing | Yes – the roof style, pitch, materials and detailing would reflect those of the original building. | |
| Ensure reasonable levels of natural light to the habitable rooms in neighbouring properties. | Yes – the proposed extension would be at least 3.0m from the mutual boundary with the nearest neighbouring property at 18, Portal Crescent, and a further 2.0m from its facing side elevation. Its overall height would also be below that of the original part of the building at the application site. | |

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| | In officers' opinion this would not unduly overshadow the window in the facing side elevation at 18, Portal Crescent | |
| Positioning windows to minimise or avoid any potential overlooking into neighbouring gardens. | Yes – there would be no openings in the elevation of the proposed extension facing the side elevation of 18, Portal Crescent, and new openings could be controlled by condition. | |

| **Two-storey and first floor side extensions should:** | **Yes - COMPLY** | **No - JUSTIFY** |
|---|---|---|
| Ideally be visually smaller in relation to the original house | Yes – The footprint and ridge height would both be smaller than the original house. | |
| Be set back at least 500mm from the front of the original house to provide a vertical break from the roof plane and for the lowering of the ridge line from the original house. | Yes – the proposed extension would be set back at least 4.0m from the front elevation. | |
| Have a roof design that follows the form of the existing roof | Yes – it would have a ridged roof with similar angle of pitch. | |
| Retain a gap of at least 1 metre to boundary walls to avoid a terracing effect and to retain rear access to gardens. | Yes – there would be a gap of around 3.0m to the perimeter of the site so there would be no terracing effect and access to the back | |

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| | garden would be retained. | |

| **In general rear extensions should:** | **Yes - COMPLY** | **No - JUSTIFY** |
|---|---|---|
| Preserve a back garden of reasonable size, with general principle that at least half the garden area is retained. | Yes – it would not decrease the existing outdoor amenity space. | |
| Be set back behind the original building, and not projecting beyond the sides | | No – it would project beyond the side elevation and form a small wrap-around. However, it would be significantly set back from the front elevation and subordinate to the host dwellinghouse. It would also be around 3.0m from the nearest boundary and have a roof design to match that of the original part of the building. |
| Maintain external access to the rear garden | Yes – it would retain access to the rear garden down both sides of the house. | |

| **Two-storey rear extensions should:** | **Yes - COMPLY** | **No - JUSTIFY** |
|---|---|---|
| Be proportionate to the size of the original house and garden | Yes – the scale of the proposed first floor extension would retain the predominance of the original part of the house and its outdoor amenity space. | |

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| Not normally exceed 50% of the total area of land around the original (including previous extensions and outbuildings) | Yes – at least 50% of the outdoor amenity area (excluding the footprint of the original house) would be retained. | |
| Not project out more than 3 metres from the rear wall of the original house, or by 4 metres for detached properties. | Yes – It would project just 1.8m approximately to the rear of the house. | |
| Not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary. | Yes – the extension would be in excess of 1.5m from the property boundary. | |
| Be separated from the property boundary, such as a wall, fence or hedge, by at least 1.5metres; and | Yes – as above. | |
| Not adversely affect habitable room windows where they adjoin a neighbour's boundary. | Yes – The proposed extension does not adjoin a neighbour's boundary. | |

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

*Summary of local street scene/character: The application property is located in a residential area where the houses to either side and on the opposite side of the road are of similar age and design (built in the mid 1960s), although many have been altered or extended in various ways.*

Consideration has been given here in terms of the proposals 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<br>• Policy LP24 Design (a) and (c) of the KLP<br>• Chapter 12 NPPF | Several other houses in the same street have been extended in various ways including sizable side and rear elevations clearly seen from the roadside. The proposed development would be well set back from the road and in keeping in terms of design. As such it is considered that it would have limited impact upon the local character of the street-scene. | ✓ |
| Impact on original house | • KDP2 of the SPD<br>• Policy LP24 Design (c) and (d) of the KLP<br>• Chapter 12 of the NPPF | The scale of the proposed development would be subordinate to the host dwelling | ✓ |
| Height, scale and massing | • KDP 1 and 2 of the SPD<br>• Policy LP24 Design (a), (c) and (d) of the KLP<br>• Chapter 12 of the NPPF | The height, scale and massing of the side and rear extensions would remain subordinate to the original part of the house and is considered acceptable. | ✓ |
| Facing materials and detailing | • KDP 9 of the SPD<br>• Policy LP24 Design (d) (iii) of the KLP<br>• Chapter 12 of the NPPF | Facing and roofing materials, would be to match the existing house and are considered acceptable. | ✓ |
| Roof style | • KDP 1 and 2 of the SPD<br>• Policy LP24 Design (a), (c) and (d) of the KLP | The roof style and angle of pitch would also be in keeping with the host dwelling. | ✓ |

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|---|---|---|---|
| | • Chapter 12 of the NPPF | | |
| Window proportions | • KDP 1 and 2 of the SPD<br>• Policy LP24 Design (a), (c) and (d) of the KLP<br>• Chapter 12 of the NPPF | Proportions would largely match the existing property. | ✓ |
| Accessibility for all users | • KDP 17of the SPD<br>• Policy LP24 Design (f)<br>• 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. 18, Portal Crescent (northern side) – It is a similar 2-storey detached house located to the north of the application site with a 2-storey flat roofed extension at the back. Its side elevation is parallel and would face the blank side facing elevation of the proposed extension. As such there would be no overlooking impacts, and it is recommended that future openings are controlled by condition. A first floor bedroom window would be located in the rear elevation, closer to the boundary with number 18. Due to the existing and proposed relationship, and layout relative to the neighbouring property, it is not considered to result in any greater overlooking than at present.*
  *In terms of overshadowing and overbearing impact, as there would be a separation distance of approximately 5.0m between the facing elevations and the overall height of the proposed extension would be below that of the existing house is considered that these impacts would be relatively limited.*

- *No. 22, Portal Crescent (southern side) – It is another similar two storey detached house. As the proposed extension would have a modest projection, approximately 1.8m and set in from the mutual boundary around 5.5m it is considered that it would have no significant overshadowing or overbearing impact. No openings are indicated in the side elevation of the proposed extension and new openings could be controlled by condition. This would prevent any overlooking impact.*

- *Nos 8 and 10, Portal Crescent (western side) – They are a pair of semi-detached bungalows at the back of the application site. There are habitable room windows in the rear of these properties which face onto the back of the application site. However, there is a separation distance of approximately 20.5m between the facing elevations with fencing and tall vegetation on the boundary. Whilst there would be a habitable room window in the facing rear elevation of the proposed extension, given the gap described above it is considered that there would be very limited invasion of privacy.*
  *The separation distance is also considered to provide mitigation to prevent undue overshadowing or overbearing impact.*

- *49, Portal Crescent (eastern side) – This is a two storey detached house on the opposite side of the road. There would be a distance of around 27.0m between its front elevation and the nearest part of the proposed extension. Given this gap, it is considered that there would be no significant overshadowing, overbearing or overlooking impacts.*

| | **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 sides, rear and front) | • KDP 3 & 4 of the SPD<br>• Policy LP24 Design (d) (iv)<br>• Chapter 12 of the NPPF | Acceptable for the reasons set out above. | ✓ |
| Impact on light and outlook of neighbours (to sides, rear and front) | • KDP 4, 5, 6 of the SPD<br>• Policy LP24 Design (b)<br>• Chapter 12 of the NPPF | As above. | ✓ |
| Remaining garden space of application property | • KDP 7 of the SPD<br>• Policy LP24 Design (b) and (c)<br>• Chapter 12 of the NPPF | Rear garden would be unaffected by the proposed side and rear extension. | ✓ |

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<br>• Policy LP22 Parking (f) of the KLP<br>• Chapter 12 of the NPPF | The site is accessed from a residential estate road and the proposal would create space for another bedroom, forming a total of four bedrooms. However, three off street parking spaces would be retained. This is satisfactory from a highway safety point of view. | ✓ |
| Parking provision | • KDP 15 of the SPD<br>• Policy LP22 Parking (f) of the KLP<br>• Chapter 12 of the NPPF | As above. | ✓ |
| Provision for waste storage | • KDP 16 of the SPD<br>• Policy LP24 Design (d) (iv)<br>• Chapter 12 of the NPPF | None shown on plans however, there is sufficient space within the red line boundary to allow for storage on site. Condition not considered necessary. | ✓ |

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 | n/a | n/a |

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|---|---|---|---|
| | • Policy LP24 Design (d) (i) (iv) Policy LP33 Trees<br>• Chapter 12 of the NPPF | | |
| Impact on ecology | • KDP 12 of the SPD<br>• Policy LP30<br>• Chapter 15 of the NPPF | n/a | ✓ |
| Carbon Budget / Climate change statement | • KDP 8, 9, 10 & 11 of the SPD<br>• Policy LP51<br>• 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. 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. | ✓ |
| Drainage and Flood Risk | • KDP 14 of the SPD<br>• Policy LP24 (d) (vii), LP27 and LP34 of the KLP | The rear garden and landscaping would be retained to allow for run-off. The site is not located within an identified Flood Risk Zone 2 or 3 area. | ✓ |

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 ✓ / X / N/A |
|---|---|---|
| Impact on flooding | Addressed above under 'drainage and flood risk' consideration | ✓ |
| | | |

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**: 2023/91114
**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 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 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any subsequent legislation revoking or superseding that Order, no windows, doors or other openings, other than those shown on the approved plans, shall, at any time, be formed within the north and south facing side elevations of the approved first floor extensions.
**Reason:** To safeguard the privacy of the adjoining properties, in accordance with the
requirements of Policy LP24 of the Kirklees Local Plan, Principles 1, 2 and 3 of the Council's House Extensions and alterations Supplementary Planning Document and Chapter 12 of the National Planning Policy Framework.

**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. 23:04:7376:01 | Rev B | 14.04.2023 |
| Site plan and existing floor plans and elevations. | Dwg no.23:04:7376:02 | | 14.04.2023 |
| Proposed floor plans and elevations | Dwg no. 23:04:7376:01 | Rev B | 14.04.2023 |
| Supplementary information – Appendix A – Climate Change Statement | | | 14.04.2023 |

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:** 21.07.2023