

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:	2023/62/92739/E
Site Address:	57, Nab Lane, Mirfield, WF14 9QH
Description:	Demolition of existing garage and erection of two storey side extension, single storey rear extension and dormers to front and rear
Recommending Officer:	Edward Cheseldine

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: 08-Dec-2023

Officer Report

2023/92739 - 57, Nab Lane, Mirfield, WF14 9QH

Site Description

57 Nab Lane is a two-storey detached dwelling in Mirfield. The exterior walls are constructed with brick which fall under a pitched roof clad in concrete tiles. The dwelling currently has a forward and side projection on the ground floor of the dwelling. Associated within the application site is a modest front outdoor area which has been converted into parking spaces for two vehicles, additionally, there is a large garden to the rear of the dwelling. Currently, there is tall hedging that forms the boundary treatment to the front and sides of the site.

Nab Lane is a residential road with a mixed building group type. Dwellings consist of a variety of materials, sizes and architectural features. Dwellings line the street in a linear fashion, however the building line is detracted by the curve in Nab Lane. There is a primary school and nursery near the site.

Application Description

The applicant is seeking permission to erect a two-storey side extension, single storey rear extension, front and rear dormers. As part of the proposal an existing garage will be demolished.

Relevant Application History

Application site

97/93583 – Erection of single storey extension – Full permission granted

55 Nab Lane

2022/93437 - Erection of two storey side extension following demolition of existing garage and outbuilding – Full permission granted

59 Nab Lane

2014/92490 - Erection of rear and side extensions, new roof and erection of dormers to front elevation and raised patio – Full permission granted

History of Negotiations

Officers sought amendments to the design of the alterations including, removing composite cladding on the front elevation, reducing the overall size of the extensions, including removing one front facing dormer, reducing the size of the rear dormer and achieving subservience in the side extension. In response, the planning agent offered to raise the roof height which would have a negative resultant impact.

Consultation Responses

None.

Public Consultations

Neighbourhood notification letters were sent to advertise the application which expired on the 01 November 2023. As a result of the publicity, there were no responses.

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
- **LP 30** – Biodiversity

Kirklees Council adopted supplementary planning guidance on house extensions (House Extensions and Alterations Supplementary Planning Document) (SPD) 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 House Extensions and Alterations Supplementary Planning Document will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

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
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

- 1) Principle of development
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Environmental matters
- 6) Conclusion

Principle of development:

Kirklees Council adopted supplementary planning guidance on house extensions (House Extensions and Alterations Supplementary Planning Document) 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 House Extensions and Alterations Supplementary Planning Document (SPD) will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

Impact on visual amenity:

In principle, an extension that significantly increases the volume of a house, should retain the character of the host dwelling and character of the street. Visually, rear and side extensions should respect the site context when viewed from the roadside. Alterations that will be visible should make a positive contribution architecturally, working in harmony with the surrounding built and natural environment. The proposed extensions will be assessed separately as well as accumulatively.

Chapter 12 of the NPPF sets out that decisions should ensure that, amongst other things, developments are sympathetic to local character, including the surrounding built environment (para.127 of the NPPF). Policy LP24 of the KLP expands on this further, setting out that good design should be at the core of all proposals in the district. With regard to extensions, it states under part c, that proposals should promote good design by ensuring 'extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details'.

- Key Design Principle 1 of the House Extensions & Alterations Supplementary Planning Document states '*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.*
- Key Design Principle 2 of the House Extensions & Alterations Supplementary Planning Document states '*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.*'

In this instance, the property is situated on Nab Lane which has a diverse building group with a variety of sizes, materials and ages present. No. 57 sits between two detached properties, each with recent extensions that are visible from the public domain.

Under the proposal there will be a side extension, introduction of three front facing dormers, a large rear dormer and rear extension, as well as external alterations.

In terms of the side extension, it will be set back from the original house by 500mm and leave a side space of 1.0m to the boundary gap. Whilst these details may provide a visual break to the building, the side extension will not be set down from the ridgeline of the original building, appearing in situ with the original house. Such a large side extension will provide additional massing to the east side of the property without the visual break of the roofline. The dwelling is higher than its neighbour to the east, and due to the large, pitched roof and linear appearance, dominates the street scene. To introduce a side extension that does not appear subservient will not be proportionate or well balance which is contrary to Key Design Principle 2 of the Kirklees House Extensions & Alterations Supplementary Planning Document. Additionally, the two adjacent dwellings have benefitted from side extensions which have been set down from the original roofline and appear subservient.

A further alteration to the front elevation will be the introduction of three front facing dormers. Dormers will have a ridgeline of ~3.00m and a width of ~2.20m with a prominent gable end. The dormers are sympathetic in style, matching dormers to the north and west. However, the proposed dormers are considerably large. A ~3.00m ridgeline projection on the front elevation would appear as a large structure. The dormers are not set down from the ridgeline. By introducing three dormers of this size would be overly dominant to the building and street scene, being contrary to the thrust of the Kirklees House Extensions & Alterations Supplementary Planning Document paragraph 5.24.

Additionally, on the rear, will be an introduction of a further dormer, which would be a flat roof style, ~10.30m in width with a ~3.50m ridgeline. The rear dormer would take up the majority of the original roof space as well as the additional roof space of the side extension. Paragraph 5.25 of the Kirklees House Extensions & Alterations Supplementary Planning Document states dormers '*should be located to the rear of a house and should be as small as possible with a substantial area of the original roof retained*'. In this case, the dormer is not set down from the existing ridgeline, is set in from the sides by ~0.20m and set up from the gutter line by ~0.30m, therefore the dormer maximises its volume with a minimal section of the original roof retained, additionally, the rear

dormer will be visible from the public domain as it is not sufficiently set in from the sides.

A rear extension is proposed which will be ~7.90m x ~3.30m by a height of ~3.30m. Whilst the projection is modest, paragraph 5.6 of the Kirklees House Extensions & Alterations Supplementary Planning Document states where rear extensions 'exceed 3m in length the eaves height should generally not exceed 2.5 meters'. In this instance, the height of the extension will appear proportionate given the height of each floor and the roof height.

The dwelling has benefitted from a previous single storey wrap around extension. Circumstantial to the assessed of the proposed alterations is the cumulative impact of the proposal with previous extensions. The original dwelling has a footprint of 54.27m². Notwithstanding the previous wrap around extension, the proposal will result in a dwelling with a footprint of 105.58m² which is an increase of 92.84% from the original dwelling. In terms of policy, paragraph 5.6 states single storey rear extensions should '*not normally cover more than half the total area around the original house (including previous extensions and outbuildings)*'. Therefore, not only does the proposal result in a disproportionate spatial addition from the side extension and dormers but the proposal leads to a disproportionate volumetric addition.

In comparison to the adjacent buildings, the proposal will result in the formation of a continuous ridgeline with large facing dormers that will dominate the roof space. Such a massing is not found in the immediate vicinity, where dormers are smaller, set off the ridgeline and gutter line and leave a significant proportion of the original roof space. Additionally, side extensions are set down and back giving a definitive subservience to the original dwelling.

Having taken the above into account, the proposed extensions will cause significant harm to the visual amenity of the original house and wider street scene, therefore, the proposal does not comply with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extension would not be in keeping with existing buildings in terms of scale and details, which is enforced through KDP 1 & 2 of the House Extensions and Alterations Supplementary Design Guide 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 Extensions and Alterations Supplementary Policy Document goes into further detail with respect to outlining principles.

- Key Design Principle 3, '*extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours*'.
- Key Design Principle 4, '*extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light and outlook.*'

Impact on 55 Nab Lane

55 Nab Lane is the adjacent dwelling, to the east of the site. As the existing garage is to be removed and the hedging trimmed, a new boundary treatment will be formed, it is unclear from the plans what type of boundary treatment will be installed. In terms of privacy, there are side facing windows on the ground and second floor of the application dwelling. On the ground floor of No. 55 is a side facing window that lights a W.C area. It would be conditioned as part of any development that a 1.8m high solid boundary is installed in place of the garage, this is to protect the privacy of occupants of the application site and neighbouring dwelling. The second-floor side window will have a view towards the adjacent building. The view will be high level, being level with the roof of No. 55, which will not have a view into habitable windows.

The proposal will result in a reduction of side space, although a 1.0m gap to the boundary will remain. The side extension will be placed in an area with an existing garage therefore the siting of the extension is extant. However, there will be an increase in height to accommodate the two-storey extension and roof space. A W.C area is a non-habitable room, there will still be a 2.0m distance of separation which will allow a flow of light. There are no other existing outlooks on the side elevation of the dwelling, therefore there will not be a loss of outlook or the creation of an overbearing feature.

Impact on 59 Nab Lane

59 Nab Lane is the adjacent property to the west of the application site. In terms of privacy, there are new side facing windows proposed on the ground floor level, which will be floor to ceiling windows. Currently there is a high hedge that forms the boundary treatment. The proposed windows will have an

angled view of the neighbouring roof space, where there are no windows, as such there will be no impact to privacy.

There will be additional mass on the roof space due to the proposed dormer altering the profile of the dwelling. A 3.10m gap to the property will be maintained from the roof and ground floor extension which will allow light and counter an overbearing impact. In terms of sunlight, there may be a slight loss of sunlight in the early morning because of the large dormer, however it will not result in an adverse negative impact.

Impact on 18 Quarryside Road & 20 Quarryside Road

These properties are to the south of the application site, sharing the rear border. In terms of privacy there will be new windows on all floors facing these sites. It is estimated that the nearest habitable window is ~36.90m from the application dwelling. By virtue of distance there will be no impact to privacy, a loss of light or sunlight or a loss of outlook.

Impact on 10 Waspsnest Court

10 Waspsnest Court is to the north of the site, on the other side of Nab Lane, the dwelling is at a 110oC angle to the application dwelling with the rear and side windows visible but at an angle. Additional openings will be formed on the front roof plane through the installation of dormers. Dormer windows are estimated to be a distance of ~23.00m from 10 Waspsnest Court. As there is an angle and a great distance, the relationship is acceptable in terms of impact to privacy, impact to light, sunlight and impact to outlook.

Impact on highway safety:

The proposal will result in two additional bedrooms, resulting in a five bedroom dwelling. There are two off-street parking spaces to the front of the dwelling. It is considered that the resultant space may lead to an impact to parking, however there is free and sufficient on-street parking available on Nab Lane. Side access will remain to accommodate bin storage at the rear. 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 Extensions & Alterations Supplementary Planning Document.

Environmental matter

Ecology

The development is for alterations which will affect the eaves of the property. Whilst the property is not located in an area which is known to include bat habitats, a cautionary note should be added that if bats are found during the development, then work must cease immediately, and the advice of a licensed bat worker sought.

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.

Conclusion

The application for the erection of extensions and associated works at 57 Nab Lane has been assessed against relevant policies in the development plan as listed in the policy section of the report, including the House Extensions & Alterations Supplementary Planning Document, the Kirklees Local Plan and National Planning Policy Framework and other material considerations. Given the negative impact due to design and harm in terms of visual amenity, the proposed extension is considered to be unacceptable.

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 not constitute sustainable development and is therefore recommended for refusal.

Recommendation

Refusal

Reason(s) for Refusal

1. The proposed development, due to size, design, lack of setting down of the ridge, would increase the bulk and massing of the dwelling, visually appearing top-heavy, dominating the roof and side elevation of the dwelling appearing incongruous with the host building detrimental to the character and appearance. To allow the proposal would form a continuous ridgeline with large front & rear facing dormers which fails to respect the scale and design of the original dwelling and streetscape being contrary to the aims of Policy LP24 (a & c), as well as Principle 1 & 2 of the Kirklees House Extensions & Alterations SPD and the advice within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location plan	LP	1	20/09/2023
Existing elevations	01	1	20/09/2023
Existing floor plans – ground floor plan	02	1	20/09/2023
Existing floor plans – first and second floor plan	03	1	20/09/2023
Proposed floor plans – first floor plan	05	1	20/09/2023
Proposed floor plans – second floor plan	06	1	20/09/2023
Proposed elevations – front elevation	07	3	21/11/2023
Proposed elevations – rear elevation	08	3	21/11/2023
Proposed elevations – right side elevation	09	3	21/11/2023
Proposed elevations – left side elevation	10	3	21/11/2023
Proposed site plan	11	1	20/09/2023

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 has, 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. Amendments to the proposal were

requested by the planning officer, including dropping the ridgeline of the side extension and reducing the size of the rear dormers. Whilst design amendments were forthcoming, they did not result in volumetric or perceptible reduction in size, therefore planning concerns were not overcome in the negotiations stage.

