

**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:	2023/62/92889/E
Site Address:	114, Priory Way, Mirfield, WF14 9EF
Description:	Erection of first floor extension above existing garage and pitched roof to existing porch
Recommending Officer:	Elenya Jackson

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: 29-Nov-2023

OFFICER REPORT

Site Description

114, Priory Way, Mirfield, WF14 9EF0QS is a two storey detached dwelling which currently benefits from a private rear garden and a front garden to provide on site parking .The site does not have any previous permissions on site.

The immediate vicinity not uniform in design due to previous extensions in the area; however, the street scene follows a reasonably consistent building line and construction materials are similar. Properties feature a gable end facing into the public realm.

The area is within a low risk coal area .

Description of Proposal

This application has been received for the erection of a first floor extension over the existing garage to the west of the dwelling and a pitched roof over the existing porch.

The extension would project 3.8m beyond the front elevation of the host dwelling, a maximum height of 6.1m and an eaves height of 5.3m.

The lean-to roof over the existing porch would have a maximum height of 3.6m.

The proposal would also feature a side facing window which would be obscured glazing.

The proposal would be constructed with all external facing materials matching the existing dwelling.

Relevant Planning History

N/A

Representations

The application was advertised by neighbour letters, which expired on 22/11/2023

No representations were received.

Consultation Responses

N/A

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 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.

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

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Negotiations
- 7) Conditions
- 8) Conclusion

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 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.

These issues along with other policy considerations will be addressed below.

2 –Impact on visual amenity:

Key Design Principle 1 of the House Extensions & Alterations supplementary planning document (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 HEASPD 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.

Section 5.2 of the Kirklees house extensions and alterations spd refers to front extensions and states that they are not normally acceptable unless:

- The house is set well back from the pavement or is well screened

- The extension is small, subservient to the original building, well-designed and would not harm the character of the original house or the area
- The materials and design match the existing features of the original house
- The extension would not unreasonably affect the neighbouring properties

It is considered that, the proposal would not extend beyond existing build line on site, would not increase the footprint of the dwelling and would be constructed out of materials matching the host dwelling. In addition, the proposal would feature a gable end at first floor level which would be in keeping with the host dwelling and the prevailing character of the area. It is considered that, as the area is not uniform in appearance, there are other examples of extensions within the street scene, the proposal would use matching materials to the host dwelling and the proposal would replicate the roof form of the host properties, if the proposal received permission, the proposal would accord with section 52 of the House Extensions and Alterations SPD.

Having taken the above into account, the proposed development would not cause significant harm to the visual amenity of the host dwelling and the wider street scene, and would accord with Policy LP24 of the Kirklees Local Plan, KDP 1 & 2 of the House Extensions and Alterations Supplementary Planning Document and the aims of Chapter 12 of the National Planning Policy Framework.

3 – 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 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.

112 Priory Way: adjoins the application property to the west.

Overlooking: the proposal would feature one side facing window however the plans indicate this would feature obscured glazing and therefore no significant issues would arise regarding overlooking.

Overshadowing/loss of light/overbearing: The proposal would not extend significantly beyond the principal elevation of the host dwelling and therefore would not reside within the vertical or horizontal visibility splay of any windows at no.112. Therefore, no significant issues would arise regarding overshadowing/loss of light or overbearing.

116 Priory Way: adjoins the application property to the east.
Overlooking: The proposal would not feature any side facing windows.
Overshadowing/loss of light/overbearing: The proposal would be predominantly screened by the host dwelling and the roof for the porch would be at ground floor level; therefore, no significant issues would arise regarding overshadowing/loss of light/overbearing.

Due to the location and scale of the proposal, no material issues would arise regarding the residential amenity of neighbouring residents.

4 – Impact on highway safety:

The proposal would not create additional parking provision on site; or any additional bedrooms. Due to the proposal not creating any additional bedrooms or reducing parking provision, it is considered to comply with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extension SPD .

5– 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.

6 – Representations:

No representations received.

7 – Negotiations:

N/A

8 – Proposed conditions

The standard time condition which is a requirement of Section 91 of the Town and Country Planning Act 1990.

Accordance with the approved plans to ensure the development is carried out and maintained in line with the officer's assessment.

Matching materials

Unexpected discovery of contaminated land

9 – Conclusion:

This application to Erection of first floor extension above existing garage and pitched roof to existing porch to 114, Priory Way, Mirfield, WF14 9EF has

been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions and Alterations Design 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: 2023/92889

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 Extensions and Alterations SPD and the aims of the National Planning Policy Framework.
3. The external walls facing 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 Extensions and Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.
4. Prior to use of the development hereby approved, the additional windows in the western elevation of the structure shall be obscured

glazed to a Pilkington level of four or equivalent and fixed shut to a height of 1.7m. The obscure glazing shall thereafter be retained for the life of the development.

Reason: In the interests of residential amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles 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: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. Reports must be prepared in accordance with the following guidance:

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group

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	Date Received
Location Plan		4.10.2023
Existing Floor Plans		4.10.2023

Plan Type	Reference	Date Received
Existing Elevations		4.10.2023
Proposed Floor Plans		4.10.2023
Proposed Elevations and Site Location Plan		4.10.2023

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.

No alterations have been made since submission.