

**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:	2023/62/93151/E
Site Address:	22, Crowlees Road, Mirfield, WF14 9PJ
Description:	Erection of an additional storey to the existing dwelling, hip to gable extension, roof extension and rear extension with external alterations.
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: 22-Jan-2024

Officer Report

2023/93151 - 22, Crowlees Road, Mirfield, WF14 9PJ

Site Description

22 Crowlees Road is a detached Bungalow in Mirfield. The dwelling has brick exterior walls with a stone feature on the front elevation. The building has a hipped roof which is clad in concrete roof tiles. Window frames are made of a Upvc material. The property hosts a modest front garden space and a driveway to the side of the property. The rear garden is a generous outdoor residential space. There is one outbuilding within the curtilage of the property.

A Lawful Development Certificate has been approved for the erection of an additional storey to the existing building.

Application Proposal

The application is for the erection of an additional storey to the existing dwelling, hip to gable extension, roof ridgeline extension and rear extension with external alterations.

Consultation Responses

None.

Relevant Planning History

Application site

2023/92478 - Prior approval for enlargement of dwellinghouse by erection of additional storey – Details approved.

20 Crowlees Road

2010/91760 - Erection of single storey side and 2 storey rear extension – Full permission granted.

History of Negotiations

There has been a dialogue with the planning agent within the negotiations stage of this application. The proposal consists of additional massing to the roof and

rear of the property, as Crowlees Road is a residential area, the impact of the additional massing has been considered by the Planning Officer. Amendments have been made to the original proposal to reduce the height of the ridgeline of the rearward roof projection.

Public Representations

Neighbourhood notification letters were sent out to advertise the application, which expired on 08 December 2023. As a result of the publicity one representation was made. Full comments can be found on the Kirklees planning website. A summary of the planning related objections is as follows;

- The development will lead to an overshadowing/overbearing impact to neighbouring properties.
- There would be a loss of privacy from the development as new openings would overlook neighbouring properties.
- There is a significant drop in ground height between the application site and neighbouring dwellings which would lead to an overlooking impact.
- There would be an impact to parking from the increase in bedrooms.

The impact of the proposal has been considered by the Planning Officer as to the effect the additional massing will have on neighbouring occupants. A secondary site visit was conducted, to the neighbouring dwelling to investigate to what extent the proposal would lead to a loss of amenity for occupants of the dwelling. A summary of the findings is as follows;

- From neighbouring outdoor space, the rear windows of 22 Crowlees Road can be seen, leading to an existing overlooking relationship.
- There is a drop in ground height from the application dwelling to the neighbouring garden, however it is not a significant ground level drop.
- Windows that run along the shared boundary light non-habitable garage space.

The impact will be assessed in the visual amenity, residential amenity, and highways sections of the report.

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 December 2023, 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
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Environmental matters
- 5) Representations
- 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:

The application site has a previous approval for a Lawful Development Certification to erect an additional storey, in which case weight can be afforded to application 2023/92478 for a two-storey structure in the footprint of the existing dwelling. As part of this application, the rear of the dwelling would project from the existing by an additional ~1.20m, to a width of ~8.80m. The roof will be raised with the ridgeline being increased by ~0.90m and eaves height by ~0.40m. The roofline of the rearward projection will be set down by ~0.70m. The front porch will be brought into the centre of the front elevation.

Extension to the original building will be assessed separately as well as cumulatively.

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.131 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.*'

Rear Extension

Paragraph 5.6 of the House Extensions and Alterations Supplementary Planning Document states that two-storey rear extensions should:

- be proportionate to the size of the original house and garden;
- not normally exceed 50% of the total area of land around the original house (including previous extensions and outbuildings)
- not project out more than 3 metres from the rear wall of the original house or by 4 metres for detached properties;
- not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary;
- be separated from the property boundary, such as a wall, fence or hedge, by at least 1.5 metre;
- not adversely affect habitable room windows where they adjoin a neighbour's boundary.

A rear extension is proposed which would have an additional footprint of ~1.20m, to a width of ~8.80m from the existing dwellinghouse resulting in an increase in footprint of 10.56m² which is acceptable in terms of size. The rear extension fits the size requirement set out in paragraph 5.6 of the House

Extensions & Alterations Supplementary Planning Document. In terms of a boundary separation, the footprint of the building runs in close proximity to the boundary, at a distance of ~1.30m, which the rear extension will follow. The existing gap to the boundary at 20 Crowlees Road is equally narrow being ~1.20m. The rear extension will not form an addition that will reduce the existing separation distance, additionally, the rear protrusion is set back from the adjacent building to the east dwelling by ~2.00m. Paragraph 5.9 of the House Extensions & Alterations Supplementary Planning Document states '*Larger extensions may be acceptable in certain circumstances if this can be justified, such as where neighbouring houses have already been extended, and will be considered on a case-by-case basis*'. In this case, weight can be afforded to the comparison is separation distance to the neighbouring dwelling providing justification and mitigation, therefore the development accords with Paragraph 5.6 of the House Extensions and Alterations Supplementary Planning Document.

Roof alterations

In this case, a hip to gable extension and the raising of the roof is proposed. Pitched and hipped style roofs are present within the streetscene. A pitch roof would result in additional massing the to sides of the roof planes. A gap of ~1.30m will be maintained to the boundary to the west and a gap of ~4.40m to the east. In terms of a visual impact, the hip to gable will be acceptable given there are other roofs with a gable end style present within the street. To form the rear extension, a cross pitched roof will be formed. The ridgeline of the rear protrusion will measure ~7.00m. There are other large rear extensions in the area, including on the adjacent building. In this case, weight can be afforded to the existing extensions in the immediate vicinity which include large ridgelines. As the cross hipped ridgeline is set down it will not be visible from the public domain. Therefore, the scale and massing of the extension is acceptable particularly when affording weight to existing examples found in the street scene.

External alterations

Under submitted plans, the front porch structure would be moved to a central location within the dwelling. It would be widened to ~2.85m, with a stone finish. The alteration retains the majority of the front elevation, appearing subservient to the original building. Materials will depart from the rendered walls, however such a deviation will break-up the appearance of the building, providing a visual break within the frontage.

The exterior walls of the dwelling will be rendered. Render appears within the streetscene, and is present on the adjacent dwellings. The building group

therefore has an existing appearance which the proposed alterations will complement.

It is considered that this development would not result in any material harm to the visual amenity of either the host dwelling or wider street scene, thus complying with Policy LP24 in the KLP and the aims of chapter 12 of the NPPF, as well as the House Extensions & Alterations SPD Key Design Principle 1 & 2.

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 20 Crowlees Road

20 Crowlees Road is the adjacent dwelling to the west of the application site. There is a ~2.60m separation distance between the dwellings. 20 Crowlees has a one storey extension with a high pitched roof that runs along the boundary. There are two side windows and two skylights that serve a garage. There is a ~1.80m fence between the two that serves as boundary treatment. In terms of an impact to privacy to the occupants of the dwelling, two side windows are proposed on the west facing elevation, serving a utility on the ground floor and an en-suite on the first-floor. The boundary treatment will prevent views from the utility room into space to the side of the property and garage.

As the first-floor window serves an en-suite, it will be conditioned that this window is obscurely glazed to maintain privacy levels. In addition to the windows to the side, there will be newly formed windows to the rear of the property. Consideration has been given to for the Lawful Development Certificate that has been granted in ref: 2023/92478 for the erection of an

additional storey, as well as the existing outlook of windows to the rear of 22 Crowlees Road. Under this application, the projection of the ground floor windows would be increased by ~1.20m and include wider openings. First-floor windows would project a further ~2.55m from first-floor windows granted under application 2023/92478. This would enhance views into neighbouring outdoor amenity space by the given distances. However, there is already an overlooking relationship between the property and neighbouring garden. The proposal would not materially alter this relationship, furthermore the attached patio along the boundary would not be suitable for leisure activities as it is ~1.10m wide. There is a drop in ground height to the garden of 0.50m. In addition to the above, the neighbouring dwelling has views into the outdoor amenity space of No.22. In terms of an overbearing impact, the side openings light non-habitable garage space, the gap is sufficient to allow light to the windows and skylights. Additionally, as the rear protrusion of the building is set back from the neighbouring dwelling, and there is a hipped roof shape on the extension which draws away the massing, the rear extension will not form an overbearing impact.

Impact on 24 Crowlees Road

24 Crowlees Road is the other adjacent building to the east of the application site. There is a separation distance of ~5.00m from the dwelling to the boundary property which is ~6.55m away. In terms of privacy, there are two, floor to ceiling windows proposed on the ground floor of the east facing elevation. There is a low boundary fence that separates the two properties. On No. 20, there is a high level, slim line window. Currently, the windows will have a view of the side space, given the outlook, the relationship is acceptable. Proposed first-floor windows will have a view of private outdoor amenity space. There is sufficient space to the side of the house for the impact of this to be neutralised, furthermore No. 20 currently has views towards the garden of the application site.

By way of distance, there are no other properties that will be impacted.

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, 4, 5, & 6 of the Extensions & Alterations SPD and Paragraph 130 (f) of the National Planning Policy Framework.

Impact on highway safety:

The proposals will result in an intensification of domestic use, increasing the number of bedrooms from three to four. The driveway to the side of the house will remain which can accommodate two vehicles, additionally, there is a garage space which can accommodate one vehicle. Bin storage for the dwelling is currently to the rear to the house, as side access will remain, the parking provisions are acceptable.

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 matters

Ecology

The site is situated in an area known to include bat habitats; care should be taken if construction was to commence. If signs of a bat habitats were found, construction must cease, expert advice should be taken 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.

Representations

Officers have viewed the relationship between the properties with respect to the impact the proposal will have on neighbours. Regarding this, it has been assessed that the proposal has an existing relationship to neighbouring properties. Furthermore, the alterations will not be dissimilar from the previous Lawful Development Certificate that was granted by way of Permitted Development Rights adding weight to the considerations and any potential impact. Taking into account the existing relationship along with the lawful fallback of the certificate it is considered that the projection of windows will therefore not have a detrimental impact to privacy levels.

The proposed mass of the dwelling will not impact habitable rooms due to the design and layout. Furthermore, parking provisions are sufficient for the number of bedrooms of the property.

Conclusion

This application for the erection of extensions and associated works at 22 Crowlees Road, has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions & Alterations Supplementary Planning Document, 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

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.

1. 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 ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

2. The development shall not be occupied until the windows of the areas marked W/C & ensuite on drawing No. 30-002-A of the building hereby approved have been obscurely glazed (to a minimum Grade 4). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) the obscure glazing (to a Grade 4) shall thereafter be retained.

Reason: To prevent overlooking to the neighbouring properties and to accord with Policy LP24 of the Kirklees Local Plan the Key Design Principles of the House Extensions and Alterations SPD and the aims of the National Planning Policy Framework.

3. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no additional door or window openings other than those expressly authorised by this permission shall be constructed on the rear elevation.

Reason: So as not to detract from the amenities of the adjoining property by reason of loss of privacy and comply in accordance with the requirements of Policy LP24 of the Kirklees Local Plan and the provisions of the Kirklees House Extensions and Alterations SPD (2021).

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location plan	LP	1	25/10/2023

Plan Type	Reference	Version	Date Received
Location plan	(20)001	1	25/10/2023
Existing site plan	(20)002	1	25/10/2023
Existing 3D view	(20)003	1	25/10/2023
Proposed site plan	(20)004	1	14/12/2023
Existing GA views	(30)001	1	25/10/2023
Proposed GA plan	(30)002	2	14/12/2023
Proposed street scene	(30)003	2	14/12/2023
Proposed GA plan	004	2	18/12/2023
Plan general – Aerial view	AV	1	14/12/2023

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. In this instance, communication between planning officer's and the planning agent were sought to consider what amendments could be provided to seek a positive outcome. The ridgeline of the rear extension has been dropped, at the request of the planning officer, so it is not visible from the public domain.