

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:	2023/62/93189/E
Site Address:	51, Kitson Hill Road, Mirfield, WF14 9HA
Description:	Demolition of existing extension and erection of two storey side and single storey rear extensions
Recommending Officer:	Elenya Jackson

DECISION -

I hereby authorise the approval/refusal* (delete as appropriate) of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Sarah Longbottom

AUTHORISED OFFICER

Date: 26-Mar-2024

OFFICER REPORT: 2023/93189

Site Description

51, Kitson Hill Road, Mirfield, WF14 9HA is a stone built detached dwelling which currently benefits from its own driveway and private rear garden. There property currently has a single storey side extension with a pebble dash finish.

The property occupies a corner plot along the street but is well set away from Kitson Hill Crescent.

The property is marginally set away from the back of the pavement and is partly screened from the public realm by a low boundary wall and a hedgerow.

The area is predominantly residential in area with dwellings of similar scale and design and the property is located opposite Mirfield Free Grammar.

Description of Proposal

The application is seeking permission for Demolition of existing extension and erection of two storey side and single storey rear extensions.

The two storey side extension would extend 4.6m beyond the side elevation of the existing dwelling, have a depth of 7m, a maximum height of 6.2m and be set back from the principal elevation of the dwelling at first floor level by 1.8. The ground floor element of the proposal would be flush with the front elevation of the dwelling.

The single storey rear element of the proposal would extend 3.3m beyond the rear elevation of the dwelling, have a width of 6.7m and a maximum height of 5m; however, due to the change in ground levels between the front and the rear of the site, it would be 3.6m in the context of street level.

Relevant Planning History

2022/93019: Demolition of existing extension and replacement with two storey side, single storey front and rear extensions with timber deck, stepped access and handrails to rear and front gate and garden wall. Refused

History of negotiations

Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 encourages negotiation/engagement between Local Planning Authorities and agents/applicants, this is only within the scope of the application under consideration. No alterations were requested

Representations

The application was advertised by neighbour letters, which expired on 28/12/2023

As a result of the above publicity no representations were received.

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.

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 Extensions & 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 Extensions & 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 Extensions & 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.

The property is located in a predominantly residential area. The neighbouring properties are similar in terms of size, age, design, and construction materials and the property is different to the dwellings within its immediate building group.

Section 5.3 of the Kirklees House Extensions and Alterations SPD sets out the key design principles for side extensions and states that side extensions should be located and designed to minimise the impact on the local character of the area. The design should reflect the design of the original building in terms of roof style pitch materials and detailing. These further details that two storey side extensions should be set back from the host dwelling by 500mm, by visually smaller than the host dwelling.

In addition, the House Extensions and Alterations SPD sets out that corner plots should be designed with two street frontages with windows overlooking the street, be set back from the building line and follow the boundary treatment along the street. Due to the existing dwelling being set forward within the street scene, the proposed side elevation will appear visually prominent within the street.

Notwithstanding this, the proposal would be set down and back from the host dwelling and would be constructed with materials sympathetic and in-keeping to the host dwelling. The existing dwelling does not feature a rendered finish within its material palette on the original part of the dwelling, although the existing lean-to extension does have a pebble dash render finish. As the plans do not detail where the materials would be located on the proposal it is considered by officers that a condition would be acceptable requiring the principal elevation of the dwelling to be retained in stone to not overly alter the prevailing character of the dwelling.

Section 5.1 of the HEASPD refers to rear extensions and states that rear extensions should:

- be in keeping with the scale and style of the original house
- not normally cover more than half the total area around the original house (including previous extensions and outbuildings);
- not exceed 4 metres in height; not project out more than 3 metres from the rear wall of the original house for semi-detached and terraces houses or by 4 metres for detached properties
- where they exceed 3m in length the eaves height should generally not exceed 2.5 meters; and retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.
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The single storey rear extension would have a height of more than 4m; however, this is due to the change in ground levels across the site. It is considered that due to the scale and location of the single storey extension and the extent of amenity space associated with the dwelling, it is considered that the single storey extension would accord with the SPD.

Having taken the above into account, the proposed extension would not appear to be out of character with the host dwelling or the wider street scene.

The proposals therefore comply with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout, KDP 1 & 2 of the House Extensions & 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 Extensions & 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.

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.

Impact on 53 Kitson Hill Road: adjoins the application property to the west. Overlooking: The proposed rear extension would feature side facing windows. No.53 features two first floor side facing windows which feature obscured glazing. The side facing windows in the orangery would be set a reasonable distance from the shared boundary and not be the only vantage point from the orangery. In relation to the side extension, this would be set forward and at an angle to No.53 such that no loss of privacy would result to the occupants of No.53.

Overshadowing/loss of light/overbearing: Due to the scale of the rear extension and its separation distance and the two storey side extension being forward of the principal elevation of no.53 and not falling within the 45 degree visibility splay of any habitable rooms, no significant issues would arise regarding overshadowing/loss of light/overbearing.

Due to the scale and location of the proposal and distance from neighbouring properties to the rear, it is considered that no other properties would be affected by the proposal.

Having considered the above factors, the proposal is 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 Extensions & Alterations SPD and Paragraph 130 (f) of the National Planning Policy Framework.

Impact on highway safety:

The proposals would result in the intensification of the domestic use of the site due to it creating four bedrooms. The site currently has a driveway and the plans indicate 3 parking spaces would be retained. The proposal would not result in the loss of any parking spaces on site and the site does have additional space should further parking be required., it is considered that due to no spaces being lost as a result of the proposal, the proposal is considered to comply with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extensions & 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.

Conclusion:

This application has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions & Alterations SPD, the National Planning Policy Framework and other material considerations.

The proposed alterations would not be out of character with the host property and the wider area. To permit the proposals would accord Policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extensions & Alterations SPD and advice within Chapter 12 of the National Planning Policy Framework.

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. For the reasons set out above it is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2023/93189

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. Notwithstanding the submitted details, the front elevation of the side extension hereby approved shall be constructed of stone sympathetic in colour and texture to the appearance of the existing building, and the side and rear elevations shall be faced in render. The roofing material shall match that 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.

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
Existing and Proposed Site Plan	05 REV P02	13/11/2023
Proposed Floor Plan	03 REV P04	13/11/2023
Proposed Elevations	04 P04	13/11/2023
Existing Floor Plan	01 P01	13/11/2023
Existing Elevations	02 P02	13/11/2023
Block Plan		13/11/2023
Location Plan		13/11/2023
Climate Change Statement		13/11/2023

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 were required.