

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:	2024/62/90339/E
Site Address:	19, Cheviot Way, Upper Hopton, Mirfield, WF14 8HW
Description:	Erection of part two storey and part single storey front, side and rear extension with associated alterations
Recommending Officer:	Jennifer Booth

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 15-Apr-2024

OFFICER REPORT

Site Description

19 Cheviot Way is a brick built, detached dwelling with an open landscaped area and driveway to the front and an enclosed garden to the rear. The property has a car port on the southern side and an extension on the northern side.

The surrounding properties are residential, of a similar age to the host property although there are variances in terms of design.

Description of Proposal

The applicant is seeking permission for a single storey front extension, first floor side extension on the south side with a single and two storey rear extension and alterations to the existing north side extension.

The front extension would infill the area to the side of the gabled element with a projection of 1.7m and a width of 5.4m with a flat roof form. The walls would be constructed using brick for the walling.

The first floor extension would alter the existing projecting element to the side which is currently two storey at the front and has a steeply sloping roof at the rear with a small single storey element. The proposals would bring this area in line with the main rear elevation of the dwelling and would have a two storey appearance of brick construction with tiles for the roof covering.

The rear extension would project 4.8m on the ground floor across the full width of the property with a flat, green roof with lanterns joining with the existing northern side extension. The walling for the ground floor would be a combination of glazing, brick and dark cladding. The first floor element would project 3.6m from the main part of the dwelling with a width of 5.4m with a pitched roof form and would be constructed using brick for the walling with tiles for the roof covering with a Juliet balcony.

Relevant Planning History

2003/92895 - erection of single storey extension - approved

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. The initially submitted plans raised concerns in terms of the balcony and potential loss of privacy. Amended plans were sought and

received which removed the walk out balcony and provide a Juliet balcony on the rear of the first floor rear extension. The amended plans were advertised.

Representations

The application was advertised by neighbour letters, which expired on 02/04/2024

As a result of the above publicity, 7 representations have been received. The material planning matters raised are summarised as follows:

- Overdevelopment of the site,
- The works including the use of cladding would be out of character with the area,
- Loss of privacy for the neighbours to the rear as a result of the balcony,
- The extensions may lead to the occupants making more noise,
- The extensions would have an overbearing impact on the adjacent 21 Cheviot Way.

Although other matters may have been raised, such as accuracy of the block plan, only material planning matters can be considered.

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
- **LP 30** – Biodiversity

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.

The site is within Mirfield Neighbourhood Area. There is no made Neighbourhood Development Plan (NDP) within the Mirfield Neighbourhood Area at present. Furthermore there is no emerging NDP to be considered as a material consideration in assessment of this application. Further details on the progress of neighbourhood development plans in the district can be found at: <https://www.kirklees.gov.uk/beta/planning-policy/neighbourhood-planning.aspx>

However, the Mirfield Design Guide 2002 is still of relevance and requires development to be in keeping with the area.

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 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 and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

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 states 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 proposal under consideration consists of four distinct elements which shall be addressed below.

Single storey front extension

Paragraph 5.13 of the House Extensions & Alterations SPD states that front extensions are highly prominent in the street scene. As per paragraph 5.14 of the House Extensions & Alterations SPD, careful consideration needs to be given to ensure that they are carefully designed to limit the potential for them to erode the character, they should be small and subservient to the main house and constructed using appropriate materials.

The front extension proposed is modest in terms of its scale and would be constructed using brick to match the main house. The flat roof form is considered to be appropriate given the setting. The front extension is therefore considered to be acceptable in terms of visual amenity.

First floor side extension

Paragraphs 5.15, 5.19 & 5.21 of the House Extensions & Alterations SPD are of relevance with regards to the side extension as they require the development proposed to be located and designed to minimise the impact on the character of the area, reflect the original building in terms of materials and detailing and ensure adequate space is retained to provide a sense of space.

The first floor side extension would allow the rear of the dwelling to match the front and would be in keeping with the main house in terms of style. The materials include the use of brick for the walling with tiles for the roof covering which would match the main house. The first floor side extension is therefore considered to be acceptable in terms of visual amenity.

Single and two storey rear extension

Paragraphs 5.1 and 5.2 of the House Extensions & Alterations SPD go into further specific detail regarding rear extensions requiring development to maintain the quality of the residential environment, respect the original house and use appropriate materials.

Alterations to existing single storey side extension

Paragraph 4.2 of the House Extensions & Alterations SPD states that “the local context, character and identity of the area will be a significant factor in determining the appropriate form and scale of alterations”. Paragraph 4.6 states “where extensions seek to **differ from the existing materials**, design, roof pitch or detailing, proposals will be considered on a case by case basis.”

It is noted that the dark cladding is not a feature present in the wider area. However, in this instance, given this is a modest accent with the brick remaining as the predominant material, and given the limited area to be clad, away from the public vantage points, the use of dark grey cladding can be considered to be justifiable in this instance.

Having taken the above into account, the proposals would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extension would form a subservient addition to the property in keeping with the existing building, 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.

Impact on 17 Cheviot Way

The front extension together with the first floor side extension would be on the opposite side of the host property and the adjacent neighbour to the north and as such would result in no overlooking, overshadowing or overbearing.

The rear extension would be close to the shared boundary, continuing from the existing side extension and single storey towards the shared boundary. It is noted that the ground floor projection is greater than would normally be supported with a projection of 4.8m. However, the neighbouring property occupies an angled position relative to the host property and as such would

be unlikely to suffer any overlooking, overshadowing or overbearing which is considered to form justification for non-compliance with the SPD.

With regards to the impact on the adjacent 17 Cheviot Way, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 135 of the NPPF and the proposals are considered to be acceptable.

Impact on 21 Cheviot Way

The front extension has a limited projection which would align with the side elevation of the neighbouring property, with limited potential to result in any overlooking, overshadowing or overbearing.

The first floor side extension would increase the height of the existing dwelling to a modest degree. However, this would bring the dwelling in line with the corner of the neighbour with limited potential to result in any overshadowing or overbearing. There would be a new window in the first floor. However, this would have views in the applicants own garden and would not result in unacceptable overlooking over the neighbours amenity space.

The rear extension towards this boundary would be single storey albeit with a slightly greater than normal projection of 4.8m. Whilst this does not strictly comply with the SPD, the single storey nature together with the land level difference is considered to justify this element as the neighbouring property occupies an elevated position relative to the host property, therefore there would be no significant overshadowing or overbearing. The first floor element would be set back some 7m from the shared boundary with no significant potential for overbearing or overshadowing. The Juliet balcony, with no access onto the flat roofed area over the single storey element, is in effect a large window, which would have views into the applicant's own garden with no potential for loss of privacy to the adjacent neighbour to the south.

With regards to the impact on the adjacent 21 Cheviot Way, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 135 of the NPPF and the proposals are considered to be acceptable.

Impact on 31 Cheviot Way

The neighbouring property directly to the rear is 31 Cheviot Way. There is a separation of 24m between the dwellings. The first floor extension would bring this section of the property in line with the main rear elevation and would not reduce the space between the properties. It is noted that there would be a first floor window. However, the separation between the properties is considered to mitigate any potential overlooking. The single storey element of the rear

extension would project 4.8m from the main rear elevation of the dwelling. This is single storey with a limited height and would have views towards the hedging between the properties minimising any loss of privacy. There would be no overbearing or overshadowing. The first floor extension has a lesser projection of 3.6m with a limited width. It is noted that the opening proposed is a Juliet balcony, with no access out onto the flat roof form as there would be a glazed barrier and as such, this is in effect a large window. With the separation between the properties being retained at just over 20m, the first floor rear extension would not result in an unacceptable degree of overlooking.

With regards to the impact on the neighbouring 31 Cheviot Way, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 135 of the NPPF and the proposals are considered to be acceptable.

Impact on 33a Cheviot Way

The neighbouring property off centre, to the rear is 33a Cheviot Way. There is a separation of 22m between the dwellings. The first floor extension does not align with this property and as such, there would be no overlooking, overshadowing or overbearing. The single storey element of the rear extension would project 4.8m from the main rear elevation of the dwelling. This is single storey with a limited height and would have views towards the fencing between the properties minimising any loss of privacy. There would be no overbearing or overshadowing. The first floor extension has a lesser projection of 3.6m with a limited width. It is noted that the opening proposed is a Juliet balcony, with no access out onto the flat roof form as there would be a glazed barrier and as such, this is in effect a large window. With the separation between the properties being retained at just over 18m, the first floor rear extension would not result in an unacceptable degree of overlooking.

With regards to the impact on the neighbouring 33a Cheviot Way, the scheme is considered to be acceptable in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 135 of the NPPF.

Impact on 10 & 12 Cheviot Way

The properties opposite the front are situated some 28m from the host property. The works proposed would result in no overlooking, overshadowing or overbearing.

With regards to the impact on the neighbouring 10 & 12 Cheviot Way, the scheme is considered to be acceptable in terms of KDP3 – privacy, KDP5 –

overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 135 of the NPPF.

Noise

There may be additional noise during the development. However, this would be a transitory impact and a note would be added to any approval reminding the applicant about their responsibilities in terms hours of work. The extensions themselves would not lead to additional noise from use which would be considered inappropriate in a residential area once constructed.

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, 5, 6 & 7 of the House Extensions & Alterations SPD and Paragraph 135 (f) of the National Planning Policy Framework.

Impact on highway safety:

The proposals will result in some intensification of the domestic use. However, the parking area to the front of the property would not be affected by the proposed extension and is considered to represent a sufficient provision. Bin storage for the dwelling would not be moved as part of the proposals. 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 SPD.

Other matters:

Biodiversity

After a visual assessment of the building by the officer, it appears that the building is in good order, well-sealed and unlikely to have any significant bat roost potential. Even so, 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.

There are no other matters for consideration.

Representations:

7 representations have been received. The material planning matters raised are summarised as follows:

- Overdevelopment of the site – **response:** *this is a material consideration which has been considered under the appropriate section of this report,*
- The works including the use of cladding would be out of character with the area – **response:** *this is a material consideration which has been considered under the appropriate section of this report,*
- Loss of privacy for the neighbours to the rear as a result of the balcony – **response:** *this is a material consideration which has been considered under the appropriate section of this report,*
- The extensions may lead to the occupants making more noise – **response:** *this is a material consideration which has been considered under the appropriate section of this report,*
- The extensions would have an overbearing impact on the adjacent 21 Cheviot Way – **response:** *this is a material consideration which has been considered under the appropriate section of this report.*

Although other matters may have been raised, such as accuracy of the block plan, only material planning matters can be considered. That being said, the officer has visited the site and has seen the relationships between the host property and the neighbouring dwellings including 33a Cheviot Way.

Negotiations:

Amended plans were requested and received through the course of the application to remove the terrace and balcony to the rear and replace it with a Juliet balcony, in the interests of visual amenity.

Proposed conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions.

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

Matching materials, as indicated on the plans, to ensure that the extensions harmonise with the host property as using alternative materials would look out of place within the street scene.

Conclusion:

This application for extensions and alterations for 19 Cheviot Way 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. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposals are 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: 2024/90339

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 & Alterations SPD and the aims of the National Planning Policy Framework.

3. The external walls and roofing materials of the extension hereby approved, as indicated on the submitted plans – excluding the elements shown to be clad with dark cladding, 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 & Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

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: 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	Web ID	Date Received
Location plan	(EX)002	1027915	06/02/2024
Existing plans	(EX)001	1027912	06/02/2024
Block plan	(20)002 A	1034834	27/03/2024
Proposed plans	(20)001 A	1034833	27/03/2024
Climate change statement	-	1027916	06/02/2024

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.

The initially submitted plans raised concerns in terms of the balcony and potential loss of privacy. Amended plans were sought and received which removed the walk out balcony and provide a Juliet balcony on the rear of the first floor rear extension. The amended plans were advertised.

Report Dated 12/04/2024

