

**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:	2024/62/90896/E
Site Address:	26, Springfield Park, Mirfield, WF14 9PE
Description:	Erection of two storey rear extension with associated internal and external works
Recommending Officer:	Edward Cheseldine

DECISION – FULL CONDITIONAL 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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 07-Jun-2024

HOUSEHOLDER DELEGATED REPORT

Application Number	2024/90896
Location	26, Springfield Park, Mirfield, WF14 9PE
Proposal	Erection of two storey rear extension with associated internal and external works
Publicity end date	28-May-2024
Number of representations received	0
Kirklees Local Plan Allocation/Designation	None
Extension to Time (EoT)	Yes – 07/06/2024
Recommendation	Conditional Full Permission

	NO	YES
Applicant a Council Member or Officer in Investment and Regeneration (Skills and Regeneration)	✓	
Contrary to previous decision	✓	
Called in by Ward Member	✓	
Significant number of representations received	✓	

If 'No' to all above, proceed with a fast track report

By indicating that the development proposal complies with relevant national and local policy and the 'House Extensions and Alterations' Supplementary Planning Document, the planning officer is taking into account the information submitted with the application, any previous relevant applications, observations during any site visit, any comments received in connection with the application and any other considerations which are material to the decision.

Policy

National

National Planning Policy Framework (NPPF) December 2023
National Planning Practice Guidance (NPPG)

- NPPF Chapter 2 – Achieving sustainable development

- NPPF Chapter 12 – Achieving well-designed and beautiful places
- NPPF Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Local

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 51** – Protection and improvement of air quality

Supplementary Planning Document ‘House Extensions and Alterations’ (2021).

- Key design principle 1: Local character and street scene
- Key design principle 2: Impact on the original house
- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 10: Renewable energy
- Key design principle 11: Water retention
- Key design principle 12: Natural environment
- Key design principle 13: Vegetation and tree planting
- Key design principle 14: Drainage and flood risk
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

	YES / NO	SUMMARY
Negotiations/Amendments during course of application	Yes	The initial plans did not conform with guidance set out in the House Extensions & Alteration Supplementary Planning Document, therefore amended plans were requested, reducing the height of the two-storey section by the adjoining dwelling.

		<p>These plans were received, reducing the projection of this section, the agent also illustrated a 45oC angle of outlook from the neighbouring window.</p> <p>The amended plans were considered to overcome the impact to the occupants of the adjoining dwelling.</p>
Parish/Town Council comments sought	Mirfield Town Council	No comment
Planning History	None	
Consultations required	None	

Assessment

The Kirklees SPD sets out that two-storey rear extensions should comply with certain parameters set out at paragraph 5.8 on page 25 (and listed below) and if they do not, they need to be justified:

	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
Be proportionate to the size of the original house and garden	<p>Yes – Footprint calculations were provided by the agent, the extension will take up 22.3% of the outdoor area of the site. In terms of garden space, it has been clarified that the projection will be 3.25m. It will rest on an area that is currently hardstanding material. The property has a modest residential curtilage, most of which will be maintained.</p>	

<p>Not normally exceed 50% of the total area of land around the original house (including previous extensions and outbuildings)</p>	<p>Yes – Footprint calculations were provided by the agent, the extension will take up 22.3%.</p>	
<p>Not project out more than 3 metres from the rear wall of the original house or by 4 metres for detached properties</p>		<p>No, the extension will measure 3.25m at ground level and 1.80m on the first-floor section of adjoining the neighbour. The adjoining neighbour has benefitted from a similar two-storey projection that has a 3.15m projection. As the two-storey element has been reduced and there are other instances of similar extensions in the area, the projection is acceptable in this instance.</p>
<p>Not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary</p>		<p>There will be a 1.80m projection with an eaves height of 4.80m where the extension meets the boundary. As the projection is modest, the relationship is acceptable as it is not thought to have a significant impact to the first-floor window of the neighbouring house. There is also a gap of ~0.30m to the boundary.</p> <p>The west side boundary is ~3.00m from the extension at its closest point.</p>

<p>Be separated from the property boundary, such as a wall, fence or hedge, by at least 1.5 metre</p>		<p>There will be a 1.80m projection with an eaves height of 4.80m where the extension meets the boundary. As the projection is modest, the relationship is acceptable as it is not thought to have a significant impact to the first-floor window of the neighbouring house.</p> <p>The west side boundary is ~3.00m from the extension at its closest point.</p>
<p>Not adversely affect habitable room windows where they adjoin a neighbour's boundary</p>	<p>Yes – the reduction in projection is sufficient in providing a sufficient outlook and light in the first-floor habitable rooms of No. 28. The ground floor element is similar in projection to the neighbouring extension.</p>	

In addition to the extension, the tile cladding will be removed and replaced with a dark cladding. The material is present on the building opposite the site. It will be set in by the existing brick work and is only on the first-floor. The alteration is a minor cosmetic enhancement which is acceptable.

Design and Visual Amenity: Are the considerations in the following table acceptable?

Summary of local street scene/character: 26 Springfield Park is a two storey, semi-detached property in Mirfield. The property is constructed with brick exterior walls which fall under a pitched roof clad in concrete roof tiles. The dwelling currently has a ground floor protrusion on the front of the property and a conservatory on the rear of the building. There is no planning history for the rear conservatory. The property features tile cladding on the front and Upvc windows. It is set in a residential area which contains other modernist dwellings. These properties vary in terms of size and architectural features. Some of which have benefited from extensions.

Consideration has been given here in terms of the proposals impact on the local character and street scene, including subservience, terracing and building line.

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on the Local character and street scene	<ul style="list-style-type: none"> • KDP1 of the SPD • Policy LP24 Design (a) and (c) of the KLP • Chapter 12 NPPF 	The extension is formed of a rearward projection, although the plot is formed on an angle due to the curvature of the road and will therefore be visible. The extension is residential in nature and matches the materials present in the neighbourhood. Rear extensions are present in the immediate vicinity.	✓
Impact on original house	<ul style="list-style-type: none"> • KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF 	The extension will replace a conservatory which is similar in footprint to the proposal. As such a precedent for a rear extension has been set and will not appear out of character to the dwelling. In addition, the alterations fit with the character of the dwelling.	✓
Height, scale and massing	<ul style="list-style-type: none"> • KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF 	Height, scale and massing meet the criteria set out in the House Extensions & Alterations SPD, justifications have been submitted for elements which do not conform to the guidance and have been found acceptable in this instance. They are appropriate to the host	✓

		dwelling and surrounding area.	
Facing materials and detailing	<ul style="list-style-type: none"> • KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF 	The proposal consists of brick exterior walls and glazing, with patio doors. Materials match the existing property. Detailing is modest and follows the form of the existing building.	✓
Roof style	<ul style="list-style-type: none"> • KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF 	A pitched roof will be installed on the extension, therefore a cross-pitched roof will be formed, which compliments the existing style of the house.	✓
Window proportions	<ul style="list-style-type: none"> • KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF 	Window proportions match the existing dwelling. New patio openings will be formed on the ground-floor. The large openings are commonplace on modernist dwellings and are an appropriate scale.	✓
Accessibility for all users	<ul style="list-style-type: none"> • KDP 17 of the SPD • Policy LP24 Design (f) • Chapter 12 of the NPPF 	This proposal is compliant with Kirklees accessibility policies.	✓

The design of the proposal is therefore acceptable and accords with policies LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Residential Amenity: Are the considerations in the following table acceptable?

The main properties affected are:

- 28 Springfield Park

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on privacy of neighbours (to sides, rear and front)	<ul style="list-style-type: none"> • KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF 	In terms of privacy, windows will be formed on the first-floor which will have a view into the neighbouring garden. They will project a further 1.80m/3.25m than the existing windows. The additional projection is acceptable, in addition the existing outlook overlooks their garden area.	✓
Impact on light and outlook of neighbours (to sides, rear and front)	<ul style="list-style-type: none"> • KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF 	Design amendments were requested to alleviate the concerns to the first-floor window of the adjoining dwelling. In respect of this the planning agent submitted plans that a 45° angle of outlook would still be observed. The planning agent also requested that the ridgeline of the extension was dropped, however as the projection has reduced so has the length of the ridgeline, a flow of light will still light the first-floor room.	✓

- *24 Springfield Park*

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A

Impact on privacy of neighbours (to sides, rear and front)	<ul style="list-style-type: none"> • KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF 	<p>In terms of privacy, windows will be formed on the first floor and ground floor in the direction of No. 26. This dwelling is set at an acute angle to the application property. There is one side facing window on No. 26 at ground level.</p> <p>In terms of the first-floor windows, it will have a view into the neighbouring garden. They will project a further 1.80m/3.25m than the existing windows. The additional projection is acceptable, in addition the existing outlook already overlooks the garden area.</p> <p>There is a tall fence that serves as a boundary treatment. This will mitigate the impact from the new ground-floor windows, which are 3.25m closer than the existing windows.</p>	✓
Impact on light and outlook of neighbours (to sides, rear and front)	<ul style="list-style-type: none"> • KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF 	In terms of light and outlook, the distance and roof shape will mitigate the impact from the extension.	✓

The proposal is therefore acceptable in terms of residential amenity and accords with policy LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Highways and Parking: Are the following acceptable?

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on highway safety	<ul style="list-style-type: none"> • KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF 	N/A	N/A
Parking provision	<ul style="list-style-type: none"> • KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF 	This application is for an increase in residential amenity space increasing the number of bedrooms from 3 to 4. Parking arrangements currently consist of two spaces on the driveway, which will not be altered if the proposals were to be constructed. If additional parking was required there is free and sufficient on-street parking on Springfield Park.	✓
Provision for waste storage	<ul style="list-style-type: none"> • KDP 16 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF 	Side access for bin storage will not be removed, under current proposals.	✓

The proposal is therefore acceptable in terms of highways and parking and accords with policies LP21 and LP22 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Other matters: Are the following acceptable?

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A

Impact on trees	<ul style="list-style-type: none"> • KDP 13 of the SPD • Policy LP24 Design (d) (i) (iv) Policy LP33 Trees • Chapter 12 of the NPPF 		N/A
Impact on ecology	<ul style="list-style-type: none"> • KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF 		N/A
Carbon Budget / Climate change statement	<ul style="list-style-type: none"> • KDP 8, 9, 10 & 11 of the SPD • Policy LP51 • Chapter 14 of the NPPF 	Small scale domestic development to an existing dwelling. As such, no special measures required in terms of the planning application with regards to carbon emissions. A Climate Change Statement has been submitted with this application.	✓
Drainage and Flood Risk	<ul style="list-style-type: none"> • KDP 14 of the SPD • Policy LP24 (d) (vii), LP27 and LP34 of the KLP 	None.	✓

The proposal is therefore acceptable in terms of the above listed other matters and accords with policies set out in the Kirklees Local Plan, the SPD and the NPPF.

Representations, including Parish/Town Council comments:

Summary of Representation	Officer response	Addressed ✓ / X / N/A
N/A		

Conclusion:

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. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation: **CONDITIONAL FULL PERMISSION**

Decision Authorisation - Delegated Powers

Application Number:

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 to accord with Policies LP01, LP02, LP21, LP22 & LP24 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 9, 12 and 14 of the National Planning Policy Framework

3. The external walls and roofing 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 in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, Principles 1 and 2 the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	(EX)002	-	27 March 2024

Plan Type	Reference	Version	Date Received
Block plan	(20)002	-	27 March 2024
Existing group plans	(EX)001	-	27 March 2024
Proposed group plans	(20)001	Rev B	31 May 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 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 initial plans did not conform with guidance set out in the House Extensions & Alteration Supplementary Planning Document, therefore amended plans were requested, reducing the height two-storey section by the property boundary.

These plans were received, reducing the eaves height of the two-storey section to 2.70m, the agent also illustrated a 45oC angle of outlook from the neighbouring window.

The amended plans were considered to overcome the impact to the occupants of the neighbouring dwelling.