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:	**2024/62/90942/E**
Site Address:	100, Calder View, Lower Hopton, Mirfield, WF14 8JD
Description:	Erection of two storey rear extension
Recommending Officer:	Morgan Braithwaite

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: 10-Jun-2024

OFFICER REPORT

Site Description

100, Calder View, Lower Hopton, Mirfield, WF14 8JD is a detached two-storey dwelling constructed from stone. The property benefits from parking to the front of the property along a single detached garage. Amenity space can be found to the rear.

The dwellings that form the street scene are similar in appearance, scale, and material palette. There are also other properties on the street scene which are similar in appearance and scale but are constructed from brick so differ in material palette.

The area is predominantly residential with local amenities such as sports grounds, supermarkets, and schools in close proximity.

Description of Proposal

This application has been received for a two-storey extension to the rear of the existing dwelling. The proposal shall project 4 meters from the rear of the existing dwelling with a width of 6 meters, which would be constructed of coursed stone to match that of the existing dwelling at ground floor level, with painted render to the first-floor level, again, to match that of the existing dwelling.

The proposal is to feature a pitched roof with an approximate height of 7.4 meters and an approximate eaves height of 5.1 meters.

Relevant Planning History

2001/923359: outline application for residential and employment development with access and associated works. Refused.

2004/92301: outline application for residential and employment development with access and associated works. Withdrawn.

2006/92410: reserved matters application for erection of 203 dwellings with garages and B1 office block with associated landscaping and car parking. Approval of reserved matters.

2007/95325: reserved matters application for landscaping scheme for residential and employment development. Approval of reserved matters.

2009/90120: discharge of conditions 10, 11, and 12 on previous application 2001/60/92359/E4 (approved on appeal) for outline for residential and employment development with access and associated works. Discharge of condition(s) split decision.

2012/91949: compliance with conditions from previous application 2001/92359 for outline application for residential and employment development with access and associated works. CCA – compliance with condition(s) approved.

Representation

The application was advertised by neighbour notification letters, which expired on 24.05.2024.

No representations have been received as a result of site publicity.

Consultation Responses

None required.

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.

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 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

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 the 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 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) state that extension and alterations to residential properties should be in keeping with the appearance, scale, design, and local character of the area of 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.

The proposal would not be visible from the street scene as it relates to the rear (east) of the applicant property. The proposal would be two-storey in scale; however, the proposed roof would not exceed the height of the ridge of the existing dwellinghouse. It has also been proposed that the development would be constructed of materials which would match that of the existing dwellinghouse.

There is an apartment block to the rear of the applicant dwelling, however, due to the separation distance, it is not deemed that the proposal would cause any adverse impact.

Having taken the above into account, the proposed extensions 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.

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 proposal 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 Principal 3 on privacy, Key Design Principal on overshadowing/loss of light, Key Design Principal 6 on preventing overbearing impact and Key Design Principal 7 for outdoor space.

The proposal would cover some of the amenity space to the rear of the applicant property. It is considered that; the proposal would not take up a significant amount of useable amenity space and sufficient amenity space would be retained should the application receive approval. Therefore, the proposal would be acceptable in terms of the residential amenity of future occupiers of the dwelling.

Impact on 2, Calder View, Lower Hopton, Mirfield, WF14 8JD

There is approximately 28.1 meters between the rear elevation of the applicant property and no.2. Due to this significant separation distance, the matching materials and comparative scale of the apartment block in which no.2 resides, it is deemed that no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

Impact on 50, Calder View, Lower Hopton, Mirfield, WF14 8JD

There is approximately 16.1 meters between the side elevation of the applicant dwelling and the rear elevation of no.50. While the proposal is two-storey in scale, impact is mitigated due to the satisfactory separation distance, that the proposal does not exceed the height of the original dwelling, shall be constructed of materials matching that of the existing dwelling and the partial screening of the proposal by the boundary treatment between the dwellings. As such, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

Impact on 52, Calder View, Lower Hopton, Mirfield, WF14 8JD

There is approximately 13.9 meters between the side elevation of the applicant dwelling and the rear elevation of no.52. While the proposal is two-storey in scale, impact is mitigated due to the satisfactory separation distance, that the proposal does not exceed the height of the original dwelling, shall be constructed of materials matching that of the existing dwelling and the partial screening of the proposal by the boundary treatment between the dwellings. As such, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

Impact on 54, Calder View, Lower Hopton, Mirfield, WF14 8JD

There is approximately 14.3 meters between the side elevation of each dwelling. The proposal is to be two-storey and constructed of materials matching that of the existing dwelling. Due to the separation distance and relationship between the two dwellings, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

Impact on 56, Calder View, Lower Hopton, Mirfield, WF14 8JD

There is approximately 15.4 meters between the side elevation of each dwelling. The proposal would be two-storey in scale and is to be constructed of materials which shall match that of the existing dwelling. Due to the relationship between the dwellings, no.56s view of the proposal may be somewhat limited by the existing applicant dwelling, this is further mitigated by the satisfactory separation distance. As such, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

Impact on 58, Calder View, Lower Hopton, Mirfield, WF14 8JD

There is approximately 15.5 meters between the side elevation of each dwelling. The proposal would be two-storey in scale and is to be constructed of materials which shall match that of the existing dwelling. Due to the relationship between the dwellings, no.58s view of the proposal may be somewhat limited by the existing applicant dwelling, this is further mitigated by the satisfactory separation distance. As such, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

In summary, the proposal would have no adverse impact upon the residential amenity of adjacent occupiers and would accord with Policy LP24 of the KLP and the Key Design Principals of the House Extensions and Alterations SPD.

4 – Impact on highway safety:

The proposal would result in some intensification of the domestic use of the property. The proposal sees the addition of a 5th bedroom; however, no alterations are to be made to the parking. To comply with the SPD, three parking spaces must be provided at the property, it has been deemed that sufficient parking would be available. Therefore, the proposal would not represent any additional harm in terms of highway safety and as such, complies with the Policy LP22 of the Kirklees Local Plan along with Key Design Principals 15 & 16 of the House Extensions and Alterations 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 made.

7 – Negotiations:

No alterations were requested during the course of the application.

8 – 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 condition

9 – Conclusion:

The application to erect a two-storey rear extension at 100, Calder View, Lower Hopton, Mirfield, WF14 8JD has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions and Alterations SPD, the National Planning Policy Framework and other material considerations.

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Governments 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: 2024/90942
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 facing 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 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: 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**	**Version**	**Date Received**
Location Plan	1036928		15.04.2024
Grouped Plans and Elevations – 1620_02_Existing	1036522		03.04.2024
Grouped Plans and Elevations – 1620_03_Proposed	1036521		03.04.2024

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.

No alterations have been sought since submission as the proposals were considered to be acceptable in their original form.

Report Dated: 30.05.2024