

**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:	2024/62/91478/E
Site Address:	The Croft, 37-39, Northorpe Lane, Mirfield, WF14 0QJ
Description:	Erection of single storey side extension
Recommending Officer:	Morgan Braithwaite

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: 27 November 2024

OFFICER REPORT

Site Description

The Croft, 37-39, Northorpe Lane, Mirfield, WF14 0QJ is a two-storey detached dwelling faced in render. The property benefits from parking provision and an area of amenity space to the front of the dwelling.

The dwellings that form the street scene are varied in age and character, although stone is the dominant facing material with some dwellings also presenting rendered elevations. The area is predominantly residential with access to schools, shops, places of worship, pubs/restaurants and recreation areas in close proximity to the applicant dwelling.

Description of Proposal

The application seeks approval for the erection of a single storey side extension. The proposal would project 3.5m from the side of the dwelling, spanning 5.9m in length, as well as being set back 0.25m from the rear elevation of the dwelling.

The proposal would feature a lean-to roof with a maximum height of 3.1m and an approximate eaves height of 1.8m. four roof lights shall be installed in the west elevation of the proposal along with a glazed door to the northern elevation. The materials used in the construction of the proposal shall match that of the existing dwelling. External walls shall be finished in render to match that of the existing dwelling.

Relevant Planning History

2024/91479 – Listed Building Consent for erection of single storey extension – pending consideration

2012/92087: Listed building consent for alterations to convert existing dwelling into 4-bedroom young adult accommodation unit. Consent Granted.

2012/92133: Alterations to convert existing dwelling into 4-bedroom young adults accommodation unit (Listed Building).

History of Negotiations

No alterations were requested during the course of the application.

Representations

The application was advertised by neighbour notification letters which expired on 23.08.2024. The proposal was also advertised by means of a Site Notice and Press Advert.

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

Consultation Responses

A Kirklees Council Conservation Officer was consulted regarding the proposal due to the building's Grade II Listed status. An informal consultation response was received expressing that the submitted Heritage Statement was limited in its assessment and therefore the Conservation Officer was not convinced that full consideration has been given to the potential impacts which the proposal

may pose. The Conservation Officer was equally not convinced that the proposal meets the test of LP35 of the Local Plan.

The consultation response does however highlight the existence of an existing side extension which was present on the first edition OS maps and was then adapted in the last 20th century. It is possible that this was added with before or during the time the building was listed; however, this is not mentioned in the listed entry.

While it is considered that the proposal would cause harm to the listed building due to being an addition and alteration to the original form of the building, the Conservation Officer has recognised and appreciated the justification which has been presented as part of the proposal. Paragraph 208 of the NPPF was highlighted in the response. This section of the NPPF sets out that the harm should be weighed against the public benefits of the proposals including where appropriate, securing its optimum viable use. In this case, the proposal would ensure the continued occupation of the dwelling by the existing occupants to meet their specific needs.

It has therefore been considered that on balance, due to the nature of the proposal along with the justification submitted, that the public benefit would outweigh the potential harm to the Listed Building.

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
- **LP2** – Place shaping
- **LP 22** Parking
- **LP 24** – Design
- **LP 35** – Historic Environment

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
- Chapter 16 – Conserving and enhancing the historic environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
 - 1) Impact on visual amenity and heritage considerations
 - 2) Impact on residential amenity
 - 3) Impact on highway safety
 - 4) Other matters
 - 5) Representations
 - 6) Conditions
 - 7) Conclusion

1) Principle of development

The site is without notation of 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 and Alterations supplementary planning document (SPD) state that extensions 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 on to state that extensions should not dominate or be larger than the original dwellinghouse and should be in keeping with the existing building in terms of scale, materials, and details.

The proposed extension would infill an area to the side of the dwelling, which would be constructed in line with the existing dining room and kitchen. The proposal is single storey in scale and again would match the design and appearance of the existing projection from the side of the property.

Having taken the above into account, the proposed extension 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.

Heritage

The proposal relates to a Grade II Listed Building for which there is an accompanying application for Listed Building Consent.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Furthermore, Policy LP35 of the Kirklees Local Plan states *“development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in...harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring...public benefits that clearly outweigh the harm”*.

This is mirrored in Chapter 16 of the NPPF of which paragraph 208 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The application was submitted with a Heritage Statement. This confirms that the application property is located within the curtilage of Northorpe Hall, and owned by the Northorpe Hall Child and Family Trust which provides assisted living to young people with learning disabilities. The proposal is required to provide level access living accommodation to meet the needs of one of its residents and enable them to continue living there where they are established within the community. The Heritage Statement sets out the design principles for the proposal and officers consider that the less than substantial harm resulting from the proposal would be outweighed by the public benefit outlined above.

On this basis, the proposal is considered to be acceptable and in accordance with Policies LP 24 and LP 35 of the KLP and guidance contained within Chapters 12 and 16 of the NPPF.

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 of Key Design Principle 3 on privacy, Key Design Principle 4 on overshadowing/loss of light, Key Design Principle 6 on preventing overbearing impact and Key Design Principle 7 for outdoor space.

Impact on 26, Northorpe Lane, Mirfield, WF14 0QJ

There is approximately 67.2m between the front elevation of no.26 and the side elevation of the applicant dwelling. No.26 is located to the east of the applicant property, while the proposal would be constructed on the western elevation. Visibility of the proposal would be further mitigated due to the screening of the applicant dwelling by other properties within the street scene. It is also noted that the proposal is single storey in scale and would be constructed of materials matching that of the original dwelling house. As such, due to these factors along with the considerable separation distance, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

Impact on 28, Northorpe Lane, Mirfield, WF14 0QN

There is approximately 74.1m between the front elevation of no.28 and the side elevation of the applicant dwelling. No.28 is located to the east of the applicant property, while the proposal would be constructed on the western elevation. Visibility of the proposal would be further mitigated due to the screening of the applicant dwelling by other properties within the street scene. It is also noted that the proposal is single storey in scale and would be constructed of materials matching that of the original dwelling house. As such, due to these factors along with the considerable separation distance, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

Impact on 29, Northorpe Lane, Mirfield, WF14 0QJ

There is approximately 36.6m between the side elevation of the applicant property and the rear elevation of no.29. No.29 is located to the east of the applicant site, while the proposal would be constructed on the property's western elevation which would be single storey in scale and constructed of materials matching that of the existing dwellinghouse. Visibility of the proposal from no.29 would be mitigated due to the screening of the proposal by other properties within the street scene. Due to the separation distance between the dwellings, along with other factors noted above, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

Impact on 35, Northorpe Lane, Mirfield, WF14 0QJ

There is approximately 10.2m between the rear of the existing dwelling and the side elevation of no.35. The proposal is to be single storey in scale and constructed to the west of the applicant dwelling while no.35 resides to the north-east. The proposal therefore would be screened by the applicant

dwelling itself. As such, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

Impact on 45, Northorpe Lane, Mirfield, WF14 0QJ

There is approximately 5.6m between the rear elevation of each dwelling; it is noted that the relationship between the two dwellings is not direct, with no.45 being located to the north-east, creating an 'L' shape between the dwellings. Due to this, the single storey proposal would be partially screened by the applicant dwelling itself, as the proposal would be constructed to the western elevation. As such, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

Impact on 47, Northorpe Lane, WF14 0QJ

There is approximately 9.2m between the rear elevation of each dwelling; it is noted that the relationship between the two dwellings is not direct, with no.45 being located to the north-east, creating an 'L' shape between the dwellings. Due to this, the single storey proposal would be partially screened by the applicant dwelling itself, as the proposal would be constructed to the western elevation. As such, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

Impact on 51, Northorpe Lane, Mirfield, WF14 0QL

There is approximately 46.6m between the rear elevation of the applicant dwelling and the principal elevation of no.51. The proposal would be single storey in scale and constructed of materials matching that of the existing dwellinghouse, which would be located to the western elevation while no.51 is situated to the north. The proposal would also be partially screened by other properties in the street scene. As such, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

Impact on Northorpe Hall, 53, Northorpe Lane, Mirfield, WF14 0QL

There is approximately 53.2m between the rear elevation of the applicant dwelling and the principal elevation of no.53. The proposal would be single storey in scale and constructed of materials matching that of the existing dwellinghouse, which would be located to the western elevation while no.53 is situated to the north. The proposal would also be partially screened by other properties in the street scene. As such, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

Impact on Ellis Cottage, 43, Northorpe Lane, Mirfield, WF14 0QJ

There is approximately 2.7m between the rear elevation of each dwelling; it is noted that the relationship between the two dwellings is not direct, with no.43 being located to the north-east, creating an 'L' shape between the dwellings. Due to this, the single storey proposal would be partially screened by the applicant dwelling itself, as the proposal would be constructed to the western elevation. As such, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

Impact on 359, Crossley Lane, Mirfield, WF14 0NU

There is approximately 40.8m between the side elevation of each dwelling. The proposal is to be single storey in scale and constructed of materials matching that of the existing dwelling. Visibility of the proposal would be mitigated by the separation distance, along with the presence of boundary treatments and established trees. As such, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

Impact on 369, Crossley Lane, Mirfield, WF14 0NU

There is approximately 29.5m between the rear elevation of no.369 (eastern) and the side (western) elevation of the applicant dwelling. The proposal is to be single storey in scale and constructed of materials matching that of the existing dwelling. Visibility of the proposal would be mitigated by the separation distance, along with boundary treatments and established trees. As such, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

Impact on 371, Crossley Lane, Mirfield, WF14 0NU

There is approximately 30.3m between the rear elevation of no.371 (eastern) and the side (western) elevation of the applicant dwelling. The proposal is to be single storey in scale and constructed of materials matching that of the existing dwelling. Visibility of the proposal would be mitigated by the separation distance, along with boundary treatments and established trees. As such, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

Impact on 373, Crossley Lane, Mirfield, WF14 0NU

There is approximately 29.5m between the rear elevation of no.373 (eastern) and the side (western) elevation of the applicant dwelling. The proposal is to be single storey in scale and constructed of materials matching that of the existing dwelling. Visibility of the proposal would be mitigated by the separation distance, along with boundary treatments and established trees. As such, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

Impact on 375, Crossley Lane, Mirfield, WF14 0NU

There is approximately 28.5m between the rear elevation of no.375 (eastern) and the side (western) elevation of the applicant dwelling. The proposal is to be single storey in scale and constructed of materials matching that of the existing dwelling. Visibility of the proposal would be mitigated by the separation distance, along with boundary treatments and established trees. 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 Principles 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 would see the addition of a fifth bedroom but would not see the alteration to parking provision. It is noted that there is sufficient space to the rear of the dwelling to accommodate the required parking provision.

Therefore, the proposal 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 and Alterations SPD.

5) Other matters

Carbon Budget

The proposal is a small-scale 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.

PROW

It has been noted that the dwelling is situated in close proximity to a PROW (MIR/13/20). However, there is sufficient distance between the dwelling and the PROW that no adverse impact would arise to users of the PROW, should the application receive approval and development is completed.

6) Representations

The application was advertised by neighbour notification letters which expired on 23.08.2024. The proposal was also advertised by means of a Site Notice and Press Advert.

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

7) 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 for the erection of a single storey side extension at The Croft, 37-39 Northorpe Lane, Mirfield, WF14 0QJ 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 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: 2024/91478

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 Policies LP24 and LP35 of the Kirklees Local Plan, Key Design Principles of the House Extensions and Alterations SPD and the aims of chapters 12 and 16 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
Grouped Plans and Elevations	23.1213/(EX)02A – Elevations and Site Location Plan as Existing	1048229	08.07.2024
Existing Floor	23.1213/(EX)01 – Ground Floor Plan as	1043302	24.05.2024

Plans	Existing		
Proposed Floor Plans	23.1213/(AL)01 – Ground Floor Plan as Proposed	1043300	24.05.2024
Proposed Elevations	23.1213/(AL)02 – Elevations as Proposed	1043303	24.05.2024

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: 27.11.2024