

**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:	2024/62/91734/E
Site Address:	27, Huddersfield Road, Mirfield, WF14 8AE
Description:	Erection of single storey extension with porch and associated alterations
Recommending Officer:	Elenya Jackson

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: 29-Aug-2024

OFFICER REPORT

Site Description

27, Huddersfield Road, Mirfield, is a detached bungalow which is set back from the street scene by a driveway and front garden.

The immediate vicinity of the site is not uniform in design as there are variances in the principal elevation of the dwellings and their scale.

The site is within a low risk coal area and the rear garden is within a canal consultation zone.

Description of Proposal

This application has been received for the erection of a single storey rear extension and a porch to the existing dwelling.

Single storey rear extension:

The existing building is stepped at the rear which would result in the proposal extending 10.1m beyond the rear elevation along the eastern boundary and 6m along the western boundary.

The proposal would feature a gable end covering the western section of the extension with a maximum height of 4.6m. The eastern section of the extension would feature a flat roof with an eaves height of 3m.

Porch:

The proposed porch would extend a maximum projection of 2.4m with a width of 3m. This would feature a pitched roof with a maximum height of 3.5m

Relevant Planning History

N/A

Representations

The application was initially advertised by neighbour notification letters, which expired on 21/08/2024

No representations received

Consultation Responses

The Canal and River Trust: No comments

Mirfield Town Council: No comments

Negotiations

N/A

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
- **LP27**- Flood Risk
- **LP22**- Parking

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.

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 a 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 material 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:

It is considered that the House Extension and Alterations SPD is relevant in this instance as the proposal would be an extension within a residential curtilage.

Key Design Principle 1 of the House Extension & 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 Extension & 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.

Single Storey Rear Extension

Paragraphs 5.1 of the House Extensions & Alterations SPD refer to specific details regarding rear extensions this states that extensions should:

- Be in keeping with the original dwelling
- Not cover more than half of the total area around the original house
- Project more than 4m for detached properties
- Have an eaves height of 2.5m
- Retain a gap of 1m from the boundary

It is acknowledged that the proposal would not adhere to the criteria; however, paragraph 1.9 of the House Extensions & Alterations SPD states that the details are based on the principle of 'comply or justify'

Officers consider that as the proposal would not be overly visible from the public realm, being set behind the rear elevation of the host dwelling, this would mitigate any significant harm. The host dwelling is currently staggered in the street scene compared to neighbouring dwellings and does not follow a straight build line. As such, due to the location of the proposal, the single storey extension would not affect the host dwelling nor the character of the street scene. The proposal would not be positioned immediately adjacent to the amenity space of any neighbouring properties as the site has outbuildings along its western elevation. Furthermore, it is considered that the maximum height of the proposal would be consistent with the host dwelling.

It is considered that although the projection of the proposal is large, in this instance it is considered acceptable for the above reasons and would not significantly impact the character of the host dwelling, its integration with the public realm, and sufficient amenity space would be retained within the plot.

Porch

The proposed porch would extend a minimal distance beyond the principal elevation of the dwelling, would be of a design sympathetic to the host dwelling and retain a reasonable distance from the public realm.

Having taken the above into account, the proposed development would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, thus complying with Policy LP24 of the KLP and the aims of Chapter 12 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 proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The House Extension & 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.

25A Mirfield Road: adjoins the application property to the east.

Overlooking: The proposal would be single storey and parallel to outbuildings associated with the site. Therefore, the proposal would be screened from view.

Overshadowing/loss of light/overbearing: The proposal would be single storey, set off the shared boundary and largely screened from view. Therefore, no significant issues would arise regarding overshadowing/loss of light or overbearing.

29 Mirfield Road: adjoins the application property to the west. It is considered that the proposal would be set a sufficient distance away from no 29 to not raise any significant concerns for the residential amenity of neighbouring residents

Whilst the projection is larger than would normally be found acceptable, due to the nature of the plot and its relationship with neighbouring properties, it is considered that the proposal would have an acceptable relationship and thus accord with LP 24 of the Kirklees Local Plan, Key Design Principles 3, 5 and 6 of the Kirklees House Extensions and Alterations SPD and guidance contained within Chapter 12 of National Planning Policy Framework.

4 – Impact on highway safety:

The proposal would increase the number of bedrooms on site to six. Whilst a formal consultation with KC Highways has not been conducted, as the proposal would not represent a significant increase in vehicular activity to that currently presented, this was deemed unnecessary. It is considered that the proposal would retain more than 3 parking spaces on site at the side of the host dwelling.

The proposal would therefore comply 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 an extension 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.

Flood Risk and Ecology

The host dwelling is near a canal and as such the Canal and River Trust has been consulted. No comments were received and therefore no further action required.

6 – Representations:

N/A

7 – Negotiations:

N/A

8 – 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.

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: 2024/91734

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 ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP23, LP24 and LP51 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

3. The external walls and roofing materials of the extensions 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 and the aims of Chapter 12 of the National Planning Policy Framework.

NOTE: Please note that the granting of planning permission does not overrule private legal rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works as construction and maintenance or parking of vehicles may involve access to land outside your ownership or subject to private rights of way.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) to obtain this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

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 13.00 hours, 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 may control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule:

Plan Type	Reference	Date Received
Existing elevations	4013/02	19/06/2024
Proposed elevations	4013/02	19/06/2024
Climate Change Statement	-	5/07/2024

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 has, 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 requested.

