

**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:	2024/62/91735/E
Site Address:	8C, Jackroyd Lane, Upper Hopton, Mirfield, WF14 8HX
Description:	Erection of extensions and alterations
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: 16-Aug-2024

HOUSEHOLDER DELEGATED REPORT

Application Number	2024/91735
Location	8C, Jackroyd Lane, Upper Hopton, Mirfield, WF14 8HX
Proposal	Erection of extensions and alterations
Publicity end date	08-Aug-2024
Number of representations received	0
Kirklees Local Plan Allocation/Designation	None
Extension to Time (EoT)	16/08/2024
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 places 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	Soft landscaping was introduced to the front outdoor area.
Parish/Town Council comments sought	Mirfield	No comment

Planning History	None	N/A
Consultations required		<u>Northern Gas Network</u> – No objection.

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 in keeping with the scale and style of the original house	Yes – the rear extension projects ~3.00m from the original rear elevation. It consists of a part two-storey, part single-storey extension with a broken appearance. There are larger openings on the rear and a gable end feature, which will modernise the appearance of the rear, however it is not considered the alterations will significantly harm the character of the original building as they are sympathetic to the modernist styling and will act to somewhat enhance.	
Not normally cover more than half the total area around the original house (including previous extensions and outbuildings)	Yes, a sufficient rear garden will be retained with parking space to the front.	

Not project out more than 3 metres from the rear wall of the original house or by 4 metres for detached properties	Yes - ~3.00m projection.	
Not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary		The eaves height of the building will be over 3.00m, the building currently runs along the property line. The distance to the boundary is set from the established placement of the dwelling. There will not be a further encroachment to this space. The side elevation is level with the adjacent building, such a space is not classed as usable habitable space and will not have an overbearing impact.
Be separated from the property boundary, such as a wall, fence or hedge, by at least 1.5 metre		The property borders a dwelling to the north. The distance to the boundary is set from the established placement of the dwelling. The side elevation is level with the adjacent building, such a space is not classed as usable habitable space and will not have an overbearing impact due to its use.
Not adversely affect habitable room windows where they adjoin a neighbour's boundary	Yes – see residential amenity section.	

The Kirklees SPD sets out that single-storey rear extensions should comply with certain parameters set out at paragraph 5.14 on page 27 (and listed below) and if they do not, they need to be justified:

	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
The house is set well back from the pavement or is well screened		The dwelling is set back from the public footpath by ~4.40. Whilst it still maintains a prominent position, the front extension will project a further ~1.25m from the original front elevation which is acceptable.
The extension is small, subservient to the original building, well-designed and would not harm the character of the original house or the area		The front extension is neither small nor subservient, in terms of appearance. There will be development above the existing garage which will introduce further width to the building at a first-floor height. Whilst landscaping works will reveal a basement level floor, increasing a perceptive height at the front elevation. The impact to the character of the area is considered to be neutral. Whilst there will be an increase in volume and massing, there are other large properties in the immediate vicinity. The increase in height is perceptive due to the landscaping, therefore the height of the dwelling remains as present. In addition, the house is well spaced to the adjacent road.

		The property will retain part of the character seen within other properties on the street, incorporating brick and render materials.
The materials and design match the existing features of the original house		In terms of the impact to original house, the character of the host dwelling will change due to the alterations to its form and the use of render. However, brick is still a prominent element of the building which in turn is one of the main characteristics of the original building. There is a large amount of glazing to the front extension. Large rectangular openings are found on the host dwelling and adjacent dwellings.
The extension would not unreasonably affect the neighbouring properties	Yes, this will be assessed within the residential amenity section of the report.	

The Kirklees SPD sets out that single-storey rear extensions should comply with certain parameters set out at paragraph 5.20 & 5.22 on page 29/30 (and listed below) and if they do not, they need to be justified:

	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
Not take up all or most of the space to the side of a house	The current dwelling has an existing garage which occupies the majority of the space to the side of the property. The proposal will site above the existing garage and will not reduce the space to the side of the property. A	

	~0.80m gap will remain on the southern aspect of the site. Currently there is no side space to the northern aspect of the site as the dwelling runs along the property boundary.	
Be set back at least 500mm from the front wall of the house		The side extension will be formed over the position of the existing garage. Elements of the front elevation are set forward of each other, which breaks up the appearance of the front façade. This appearance will off-set the block nature of the front which is acceptable.
Have a roof design that follows the form of the existing roof	The ridgeline of the original building is extended to form a pitched roof.	
Retain a gap of at least 1 metre to boundary walls to avoid a terracing effect and to retain rear access to gardens		A 1.0m gap to the boundary will not be maintained. However, due to the layout of the area, there will not be a terracing effect from the development.

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

Summary of local street scene/character:

8C Jackroyd Lane is a two-storey detached dwelling in Upper Hopton. It is formed with brick exterior walls and a pitched roof clad in concrete roof tiles. The property appears as a modernist dwelling with large openings and flat roof forms. There is a detached garage on the south aspect of the property. The front outdoor area rises from east to west with the dwelling maintaining a position higher than the public footpath.

The immediate area of the property has a mixed building group formed of traditional buildings and modernist buildings. Several of which are large dwellings. There is a mixture of architectural styles and materials including render and brick work.

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	• KDP1 of the SPD • Policy LP24 Design (a) and (c) of the KLP • Chapter 12 NPPF	Due to the retention of the height of the building and modest projections from the extension, the dwelling will appear in keeping with the streetscene. There will be new features to the front of the property, including gable-ends and the introduction of render, which although will create a unique frontage, is considered to retain parts of the characteristics of the building group, and is therefore acceptable.	✓
Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	As with the impact to the streetscene, due to the modest projections and existing garage, the extensions are not considered to present additions over and above the scale of the original dwelling. There will be a cosmetic change to the dwelling from the introduction of architectural features and render and a perceptive	✓

		change in height due to the landscaping. The alterations respect the scale and appearance of the existing building and are acceptable.	
Height, scale and massing	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	The ridgeline height of the building will not change. There will be additional bulk and massing from the additional projections, however these projections are modest and do not accumulate to inappropriate additions.	✓
Facing materials and detailing	• KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF	Materials and details whilst somewhat different to the existing, are relatively relatable to the original building and wider character of the street scene.	✓
Roof style	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	The original ridgeline will be maintained with gable-end features installed on the front and rear elevations. The gable-ends are considered to be characterful additions to the dwelling.	✓
Window proportions	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Window proportions on the front and rear are large which are not uncommon on modernist dwellings. The openings are therefore appropriate to the style of the area and host dwelling.	✓
Accessibility for all users	• 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:

- 8d Jackroyd Lane

	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)	• KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	8d Jackroyd Lane is located to the north of the property. There is a single side elevation window which will serve the 'snug'. It serves as a secondary window for light. There will not be a direct view into the neighbouring dwelling, therefore the relationship is acceptable.	✓
Impact on light and outlook of neighbours (to sides, rear and front)	• KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF	The rear extension will run along the property boundary between the two dwellings. In terms of positioning, the rearward projection will not project further than the rear elevation of the adjacent dwelling. There are two side facing windows with views towards the side elevation of the application dwelling. It is not considered these windows are used as an outlook due to the existing relationship of the two dwellings. A distance of ~2.90m will be retained between the	✓

		two buildings which will allow a flow of light into the rooms the windows serve; therefore the relationship is acceptable.	
--	--	--	--

- 51a Jackroyd Lane

	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)	• KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	51a Jackroyd Lane is to the east of the application dwelling. There will be new windows installed that will be ~1.25m closer than the existing windows. The property is ~19.60m away. Due to the existing relationship, the additional distance is not considered to have an impact on privacy as a significant distance between the two properties is maintained.	✓
Impact on light and outlook of neighbours (to sides, rear and front)	• KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF	Due to distance, there will not be a loss of light or outlook.	✓

- 10a Jackroyd Lane

	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)	• KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	10a Jackroyd Lane is to the south of the application site. It is ~15.50m from the proposed side extension. On this elevation, there are two proposed windows. The window on the first-floor serves a W/C area. In order to maintain privacy for the future and neighbouring occupants, in the event that planning permission is approved, it is recommended that a condition is attached that this window is obscurely glazed. There is a slim line window on the upper-ground floor. The north facing elevation of No. 10 hosts two openings on the ground floor. In terms of privacy, due to distance the change in heights, and the outlook, the relationship is acceptable.	✓
Impact on light and outlook of neighbours (to sides, rear and front)	• KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF	Due to distance, there will not be a loss of light or outlook.	✓

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	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	N/A	N/A
Parking provision	• 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, the number of bedrooms will increase from 3 to 4. There is hardstanding to the front of the dwelling which can accommodate two vehicles. In addition, the garage space is considered to be suitable for off-street parking. Given the number of spaces the off-street parking is sufficient.	✓
Provision for waste storage	• 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	• KDP 13 of the SPD • Policy LP24 Design (d) (i) (iv) Policy LP33 Trees • Chapter 12 of the NPPF		N/A
Impact on ecology	• KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF		N/A
Carbon Budget / Climate change statement	• 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	• KDP 14 of the SPD • Policy LP24 (d) (vii), LP27 and LP34 of the KLP		N/A

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 development shall not be occupied until the W/C window in the side elevation of the extension hereby approved has been obscurely glazed (to a minimum Grade 4). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) the obscure glazing (to a Grade 4) shall thereafter be retained.

Reason: To prevent overlooking to the neighbouring properties and to accord with Policy LP24 of the Kirklees Local Plan the Key Design Principles of the House Extensions and Alterations SPD and the aims of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	LP	-	04 July 2024
Proposed site / block layout	(100)02B	B	12 August 2024
Grouped plans and elevations – existing	(100)01	-	18 June 2024
Proposed elevations	(1001)04		18 June 2024
Proposed floor plans	(1001)03	-	18 June 2024
Climate change statement	CCS	-	18 June 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. Soft landscaping was introduced to the front outdoor area.