

**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:	<b>2024/62/92013/E</b>
Site Address:	16, Blake Hall Road, Mirfield, WF14 9NS
Description:	Erection of single storey side extension and raising of eaves and ridge to form first floor accommodation with associated internal and external works
Recommending Officer:	Elenya Jackson

**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.**

Emma Thompson

***AUTHORISED OFFICER***

**Date: 20-Sep-2024**

## **OFFICER REPORT**

### **Site Description**

16, Blake Hall Road, Mirfield, WF14 9NS 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 application property is one of three dwellings which are similar in design and scale.

The site is within a low risk coal area, a bat alert layer and 200m of a historic landfill site.

### **Description of Proposal**

This application has been received for Erection of single storey side extension and raising of eaves and ridge to form first floor accommodation with associated internal and external works.

Single storey side extension:

The existing building features an attached garage to its western elevation. The proposed extension would be located to the rear of the existing garage infilling the space at the rear.

The extension would have a depth of 5.9m and a width of 3.9m. This is 81cm less than the existing garage and would be 1.9m short of the rear elevation of the dwelling. This would feature a flat roof the same height as the existing garage.

First Floor:

The proposal would also increase the eaves height of the host dwelling and the ridge height in order to accommodate a first floor.

The eaves would increase from 2.7m to 2.8m and the maximum height from 4.7 to 5.8m.

There would be a first floor window inserted into the front and rear of the dwelling.

### **Relevant Planning History**

N.A

### **Representations**

The application was advertised by neighbour notification letters, which expired on 28/08/2024

Two representations were received which raised the following concerns:

- Overshadowing
- Loss of light
- Overbearing
- Impact to future development

One representation was neutral and commented on the dwelling being remodelled as well as materials. It was noted that bungalows are in demand.

### **Consultation Responses**

No formal consultation deemed necessary.

Mirfield town council were consulted, and no comments were received.

### **Negotiations**

Officers requested a street scene plan and a sunlight diagram to satisfy concerns regarding the residential amenity of neighbouring residents and the character of the area.

### **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 27<sup>th</sup> February 2019).

The site is UNALLOCATED on the Kirklees Local Plan Proposals Map.

On 12<sup>th</sup> 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
- **LP22**- Parking
- **LP53**- Contaminated and unstable land

Kirklees Council adopted supplementary planning guidance on house extensions on 29<sup>th</sup> 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 6<sup>th</sup> 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 side Extension

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

- Not take up all or most of the space to the side of a house
- Maintain a 1m gap
- Be set back 500mm from the front of the host dwelling.

The side extension is located to the rear of the existing garage stepping in further from the shared boundary with no.14. The additional development would be set to the rear of this built form stepping in further from the boundary. It's design continues that similar to the existing garage with materials to match. The roof is replaced with a green roof.

Officers consider that, the proposal would not be overly visible from the public realm. The single storey extension is of a scale considered subservient to the host and would not affect the character or detract from the street scene.

It is considered that the extension would not detrimentally impact the character of the host dwelling, its integration with the public realm and sufficient amenity space would be retained within the plot avoiding any overdevelopment.

### Increase in height

Section 5.4 of the House Extensions and Alterations SPD refers to roof extensions and is followed up by section 5.7 which refers to bungalows.

This states that, Careful consideration should be given to two storey and first floor extensions to bungalows. These can cause a negative impact on the street scene and character of the area through changing the height, rhythm or form of a roof in relation to the rest of the street scene.

Officers have reviewed the proposal in the context of the host dwelling and character of the area and have requested a street scene plan is provided to support the application.

It is considered that; the proposal would increase the maximum height of the proposal by approximately 1m. In the context of the area, there are a mix of single storey and two storey properties, and an additional two storey property would not be out of keeping with the wider character of the area.

Officers acknowledge that the property represents one of three dwellings in a row which are similar in scale and design. However, the street scene plan provided demonstrates that the properties are currently stepped within the street scene and the increase in height of 1.1m would not result in the dwelling appearing overly incongruous or out of keeping with the prevailing character of the area.

It is also considered that the main design features of the dwelling would be retained such as the pitched roof and gable end. Although the property would no longer be a bungalow, it is considered it would not appear significantly different to the existing host dwelling.

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.

14 Blake Hall Road: adjoins the application property to the west.

Overlooking: The proposal would feature one side facing window which is labelled as 'multi-use' room. This is in a similar location as a side facing bedroom window on the property; however, it is in closer proximity to no 14 than the existing arrangements. It is considered that there is sufficient boundary treatment between the properties to mitigate the positioning of the window and avoid concerns regarding overlooking or loss of privacy.

Overshadowing/loss of light/overbearing: As previously discussed, the proposal would increase the maximum height of the dwelling by 1.1m. It is considered that due to this alteration relating to the main dwelling, there would be a sufficient separation distance between the properties to not raise any concerns regarding overshadowing/loss of light or overbearing.

18 Blake Hall Road: adjoins the application property to the east.

Overlooking: There would be side facing openings in the form of roof lights. One of these is higher in the roof and relates to a bedroom and the lower roof light would be for a stairwell. It is considered that the roof light for the bedroom would be high level and therefore would be at an angle which would not create views of no.18 and the lower side facing roof light would be for a stairwell which is not a habitable room. The ground floor windows relate to non-habitable rooms and can therefore be obscured. Therefore, no significant issues would arise regarding overlooking.

Overshadowing/loss of light/overbearing: During the course of the application, officers raised concerns regarding the increase in height of the proposal and requested a sunlight calculator was provided to demonstrate the relationship between the host dwelling and no.18. The plans demonstrate that, the increased height of the proposal would not create any additional overshadowing in the middle of the day during the summer months and would not be largely different from the existing relationship during the winter months. The submitted plans demonstrate there would be no impact to the roof form of the property and the side facing bedroom window would retain most of its natural light. Therefore, no significant issues would arise regarding overshadowing /loss of light or overbearing.

1 Ingham Close: is located across the road from the application property.

Overlooking: The increase in height to the main dwelling would be located 25.3m away from no.1. It is considered that this is sufficient distance, and no concerns would be raised regarding overlooking.

Overshadowing/loss of light/overbearing: The proposal would increase the height of the dwelling by 1.1m. It is considered there would be sufficient distance to not raise any concerns regarding Overshadowing/loss of light/overbearing.

8b Huddersfield Road: adjoins the application property approximately 17m north-east (rear). It is considered there would not be a direct relationship between the dwellings and therefore no significant concerns would be raised regarding the residential amenity of the occupiers of 8B.

It is considered that the proposal would have an acceptable relationship with the neighbouring properties and their residents thus according 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:

A formal consultation with KC Highways has not been conducted. The proposal would increase the number of bedrooms on site to four and remove the garage on site being a viable parking space. Therefore, three parking spaces would be required on site. Amended plans have been provided to show that three parking spaces are possible on site whilst retaining some soft planting.

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.

##### Contaminated Land

The site is within 200m of a historic landfill site and there is a hazardous material site to the west. Officers consider it necessary to add an unexpected contaminated land condition to the application to ensure it would accord with LP53 of the Kirklees Local Plan.

#### 6 – Representations:

One objection to the proposal was submitted raising the following concerns

- Overshadowing

Officer response: Officers have requested a shadow plan is submitted as part of the application. The proposal would increase the maximum height of the proposal by 1.1m and it has been demonstrated that there would be no significant overshadowing relationship during the summer months and the habitable rooms would not be significantly impacted during the winter months.

- Loss of light

Officer response: Officers have requested a shadow plan is submitted as part of the application. The proposal would increase the maximum height of the proposal by 1.1m and it has been demonstrated that there would be no significant overshadowing relationship during the summer months and the habitable rooms would not be significantly impacted during the winter months. Therefore, as the windows for habitable rooms would not be significantly impacted, no significant concerns would be raised regarding loss of light.

- Overbearing

Officer response: The proposal would increase the maximum height of the dwelling by 1.1m. Due to the apex of the roof being leaned away from neighbouring properties, no significant issues would arise regarding overbearing.

- Impact to future development

Officer response: Impact on possible future developments is not a material planning consideration and therefore would not be a reason to warrant refusal on the application. However, due to the marginal increase in height and the details presented on the sunlight calculator, no development on the roof form of neighbouring properties would be significantly impacted.

## 7 – Negotiations:

A street scene plan, sunlight calculator and block plan was requested as part of the application process.

## 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: 2024/92013**

**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.

4. The proposed ground floor window and door glazing in the south-western side elevation of the dwelling shall be fitted with obscure glazing to at least Level 4 on the Pilkington Scale and window to be non-opening to a height of no less than 1.7m above floor level and retained as such thereafter.

**Reason:** In the interests of residential amenity and to accord with Policy LP24 of the Kirklees Local Plan, the Principles of the Housebuilders Design Guide Supplementary Planning Document and the National Planning Policy Framework.

5. 4. If contamination, the presence of coal and/or evidence of coal workings not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the Local Planning Authority.

**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Paragraph nos. 189 and 190 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:** Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

**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:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	(EX) 002		17/07/2024
Existing elevations	(EX) 001		17/07/2024
Proposed block Plan	(20) 002		17/07/2024
Proposed elevations	(20) 001		17/07/2024
Street scene plan	(70)001		10/09/2024

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Climate change statement			17/07/2024

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.

A revised site plan, a street scene plan and a sunlight calculator were requested during the course of the application.