

**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:	2024/62/93204/E
Site Address:	15, Whitehall Avenue, Mirfield, WF14 0AQ
Description:	Demolition of existing garage, and erection of two storey side extension, with porch to front and rear elevations and associated alterations
Recommending Officer:	Joshua Merriman

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: 07-Jan-2025

HOUSEHOLDER DELEGATED REPORT

Application Number	2024/93204
Location	15, Whitehall Avenue, Mirfield, WF14 0AQ.
Proposal	Demolition of existing garage, and erection of two storey side extension, with porch to front and rear elevations and associated alterations.
Publicity end date	19/12/2024
Number of representations received	None
Kirklees Local Plan Allocation/Designation	No allocation in the Kirklees Local Plan.
Extension to Time (EoT)	No
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	✓	

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 2024
National Planning Practice Guidance (NPPG)

- NPPF Chapter 2 – Achieving sustainable development
- NPPF Chapter 12 – Achieving well-designed 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 53** – Contaminated and Unstable Land

Supplementary Planning Document 'House Extensions and Alterations'
(2021).

	YES / NO	SUMMARY
Negotiations/Amendments during course of application	No	
Parish/Town Council comments sought	Yes	Mirfield Town Council have been consulted, no response received.
Planning History	No	

Consultations required	No	

Assessment

The application seeks planning permission for a two-storey side extension following the demolition of an existing detached garage. The proposals also incorporate canopy roofs to the front and rear elevations.

The proposed side extension would project 3.18m from the side elevation of the existing building, with a maximum height of 7.31m, eaves height of 5.31m, and a maximum depth of 8.87m.

The Kirklees SPD sets out that two storey side extensions should comply with certain parameters set out at paragraphs 5.16 and 5.20 on pages 28 and 29 (and listed below) and if they do not, they need to be justified. In addition, the proposal site lies within a corner plot and therefore paragraph 5.23 of the SPD is also of relevance:

Side extensions should:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
Ensure reasonable levels of natural light to the habitable rooms in neighbouring properties	The neighbouring property has no windows in the side elevation facing the proposed extension, therefore, it is considered the proposal will not affect natural light into the habitable rooms of neighbouring properties.	
Positioning windows to minimise or avoid any potential overlook into neighbouring gardens	There are no proposed habitable windows in the side elevation of the extension and those to the rear will be	

	obscured via condition and look onto natural screening in the form of trees.	
Two storey side extensions should:		
Not take up all or most of the space to the side of a house	A gap of 1.27m is retained to the side boundary of the property, not taking up all or most of the space to the side of the house.	
maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property	A gap of 1.27m is retained to the side boundary.	
be set back at least 500mm from the front wall of the house	The extension is set back 3.18m from the front wall of the original building.	

Design and Visual Amenity:

Summary of local street scene/character:

15 Whitehall Avenue is a two-storey, semi-detached property constructed from mainly red brick walls, interlocking roof tiles, and uPVC windows. The application property is surrounded by houses of a similar style, age, character, and size, many of which have erected side extensions. The dwelling benefits from amenity space to the front, a driveway and garage to the side, and garden space to the rear.

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	Further comments	✓ / X / N/A

	the Kirklees Local Plan and the NPPF		
Impact on the Local character and street scene	<ul style="list-style-type: none"> • KDP1 of the SPD • Policy LP24 Design (a) and (c) of the KLP • Chapter 12 NPPF 	The two storey side extension will complement the existing property and wider street scene leading to no significant impact on the local character and street scene. Furthermore, due to its somewhat secluded position in the corner of the cul-de-sac, the extension will be mostly screened.	✓
Impact on original house	<ul style="list-style-type: none"> • KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF 	All materials used to construct the extension are to match the existing building, therefore, there will be no significant impact on the original house.	✓
Height, scale and massing	<ul style="list-style-type: none"> • KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF 	The proposal is subservient to the original building in terms of height, scale, and massing.	✓
Facing materials and detailing	<ul style="list-style-type: none"> • KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF 	The extension is set to be constructed from red brick walls and uPVC windows which match the original house.	✓

Roof style	<ul style="list-style-type: none"> • KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF 	The roof is to be constructed using interlocking roof tiles, matching the existing building.	✓
Window proportions	<ul style="list-style-type: none"> • KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF 	All proposed windows are appropriate to those existing in terms of size and positioning.	✓
Accessibility for all users	<ul style="list-style-type: none"> • KDP 17 of the SPD • Policy LP24 Design (f) • Chapter 12 of the NPPF 	Private domestic extension – no alternate access arrangements required.	✓

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:

The main properties affected are:

- 14, Whitehall Avenue, Mirfield, WF14 0AQ – Neighbour to the North East.
- The Pipeworks, 8, Old Bank Road, Mirfield, WF14 0HS – Neighbour to the rear.

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
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Impact on privacy of neighbours (to sides, rear and front)	<ul style="list-style-type: none"> • KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF 	Due to the positioning of windows in the application property and surrounding properties, as well as the natural screening between the buildings, it is considered there will be no significant impact on the privacy of neighbours.	✓
Impact on light and outlook of neighbours (to sides, rear and front)	<ul style="list-style-type: none"> • KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF 	Given the orientation of 14 Whitehall Avenue, the proposal will not cause any significant impact on the light and outlook from the neighbouring property.	✓
Impact on overbearing or overshadowing	<ul style="list-style-type: none"> • KDP 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF 	As aforementioned, due to the orientation of 14 Whitehall Avenue the proposal will cause no significant impact on the neighbouring dwelling in terms of overbearing or overshadowing.	✓
Remaining garden space of application property	<ul style="list-style-type: none"> • KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF 	The application property will retain all amenity space to the front and most of the garden space to the rear, which is deemed acceptable.	✓

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:

	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	<ul style="list-style-type: none"> • KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF 	The extension is set back far enough from the nearest road (Whitehall Avenue) and proposed in an area with low levels of traffic, therefore, it will not have a significant impact on highway safety.	✓
Parking provision	<ul style="list-style-type: none"> • KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF 	The number of bedrooms will increase from two to three as a result of the proposal, however, the parking provision for the property will remain at two off-street spaces which there is adequate space for on the application site.	✓
Provision for waste storage	<ul style="list-style-type: none"> • KDP 16 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF 	Although nothing specific is detailed on the submitted plans, adequate space remains on site for waste storage.	✓

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:

	Relevant key design principle (KDP) of the SPD, Policy in	Further comments	✓ / X / N/A

	the Kirklees Local Plan and the NPPF		
Impact on trees	<ul style="list-style-type: none"> • KDP 13 of the SPD • Policy LP24 Design (d) (i) (iv) Policy LP33 Trees • Chapter 12 of the NPPF 	The proposal is not close enough to have a significant impact upon trees.	✓
Impact on ecology	<ul style="list-style-type: none"> • KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF 	The proposal is in no areas of ecological interest.	✓
Carbon Budget / Climate change statement	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • KDP 14 of the SPD • Policy LP24 (d) (vii), LP27 and LP34 of the KLP 	The rear garden and landscaping would be retained to allow for run-off. The site is not located within an identified Flood Risk Zone 2 or 3 area.	✓

and 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 and the House Extensions and Alterations SPD.

NOTE: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and specifications schedule:-

Plan Type	Reference	Date Received
Location Plan	(EX)002	14/11/2024
Block Plan	(20)002	14/11/2024
Existing Elevations and Floor Plans	(EX)001	14/11/2024
Proposed Plans	(20)001	14/11/2024
Proposed Plans	(20)001	14/11/2024
Application Forms	-	14/11/2024
Climate Change Statement	-	14/11/2024

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. It was not considered necessary to seek any amendments/further information during the course of this application.

Report Dated: 19/12/2024