

**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:	2025/62/90154/E
Site Address:	16, Hopton Hall Lane, Upper Hopton, Mirfield, WF14 8EN
Description:	Demolition of existing garage and erection of two storey rear extension
Recommending Officer:	Joanna Rednall

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: 18-Mar-2025

HOUSEHOLDER DELEGATED REPORT

Application Number	2025/90154
Location	16, Hopton Hall Lane, Upper Hopton, Mirfield, WF14 8EN
Proposal	Demolition of existing garage and erection of two storey rear extension
Publicity end date	4 th March 2025
Number of representations received	None received
Kirklees Local Plan Allocation/Designation	Unallocated
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	✓	

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 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 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	Clarification was sought regarding the use of the ground floor window at No.18.
Parish/Town Council comments sought	Yes	Mirfield Town Council – no response.
Planning History	No	

Consultations required	No	

Assessment

Permission is sought for demolition of existing garage and erection of two storey rear extension.

The extension projects ~4.5 meters at ground level and ~3 meters at the first floor, with a total width of ~5.6 meters. The ground floor includes a lean-to roof with three rooflights, while the roof over the two-storey element is pitched. The exterior walls are finished in stone, to match the existing front elevation, and the roof is covered in tiles that match those of the main property.

The single storey element of the proposal has an eave height of ~2.3 metres and ridge height of ~3.2 metres, and the two-storey element has an eave height of ~4.8 metres and ridge height of ~6.4 metres.

Internally, the extension serves a kitchen at ground level and two bedrooms at first floor level.

The rear garage would be demolished to facilitate the extension.

The Kirklees SPD sets out that rear extensions and two storey rear extensions should comply with certain parameters set out at paragraphs 5.1, 5.2 and 5.8 on pages 23 and 25 (and listed below) and if they do not, they need to be justified:

Rear extensions should:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
Preserve a back garden of a reasonable size, with a general principle that at least half the garden area is retained	16, Hopton Hall Lane benefits from amenity space to the front, side and rear. The development would retain the majority of the garden area.	
Be set behind the original building, and not projecting beyond the sides	The extension is set behind the host and does not project beyond the sides.	

Maintain external access to the rear garden	External access to the rear garden would be retained.	
Respect the original house and garden in terms of its size and scale	The extension appears well proportioned compared to the original house and would be in keeping with the size and scale of the host property and associated garden space.	
Use appropriate materials which match or are similar in appearance to the original house	The proposed materials match those on the original house – these can be secured by condition.	
Not have an adverse impact by way of overshadowing or loss of outlook of neighbouring properties	Acceptable for the reasons set out below.	
Two storey rear extensions should:		
be proportionate to the size of the original house and garden	The extension would appear balanced and proportionate to the original house – the scale is minimal, and the ridge is set down from the host to create a subservient appearance.	
not normally exceed 50% of the total area of land around the original house (including previous extensions and outbuildings)	The extension would not cover 50% of the total area of land around the original house. There are two-outbuildings to the rear and one of these would be demolished as part of the proposal.	
not project out more than 3 metres from the rear wall of the original	No – the extension projects 4.5 metres at ground level and 3 metres at first floor.	It is considered the dwellinghouse and associated curtilage is large enough to

house or by 4 metres for detached properties		accommodate such an extension without the extension dominating / overbearing the site and property. The location retains space to the sides reducing impact.
not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary	No- the extension is within 1.5 metres of the property boundary and the eave height measures ~4.8 metres.	The submitted plans show the extension would be set 1.5 metres from the first floor bathroom window of No.18, therefore given these reasons, the development would have an acceptable visual impact. Although the extension would interfere with the 45 degree line from the closest window of No.18 (kitchen window), due to the orientation of the extension in relation to this neighbour (to the north), it is considered the development would not result in significant overshadowing which would be detrimental to the living standards of occupants at No.18.
be separated from the property boundary, such as a wall, fence or hedge, by at least 1.5 metre	No – this is acceptable for the reasons above.	
not adversely affect habitable room windows where they adjoin a neighbour's boundary	The extension would not adversely affect habitable room windows for the reasons above.	

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

Summary of local street scene/character:

The existing property is situated to the west side of Hopton Hall Lane and is set back from the roadside by its own driveway and lawned garden. The property is an end of five terraces which has a stone front with pebble dash render to the side and rear. The property benefits from a driveway to the front with a garage and outbuilding to the rear. To the side of the driveway is a lawned garden.

The area is predominantly residential in nature and dwellings vary in size and scale. Properties to the north tend to be larger, detached two storey dwellings, meanwhile properties to the west are semi-detached and constructed from brick.

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	<ul style="list-style-type: none">• KDP1 of the SPD• Policy LP24 Design (a) and (c) of the KLP• Chapter 12 NPPF	Located to the rear with limited views from public vantage points. The extensions are constructed from stone to match the existing front elevation of the host property and the roofing tiles would match those on the original house, ensuring the extension appears in keeping with the host dwelling and surrounding development.	✓
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	The extension would not dominate or be larger than the original house, and the materials would match those facing the original house.	✓
Height, scale and massing	<ul style="list-style-type: none">• KDP 1 and 2 of the SPD	Part single storey and two-storeys in height. The two-storey element	✓

	<ul style="list-style-type: none"> • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF 	is set down from the host property and would appear well balanced to the existing house.	
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 	Materials to match the host – these can be secured by condition.	✓
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 	Pitched roof above two-storey and lean-to above single storey – would appear of subservient height to the two-storey host and would not introduce any significant bulk and massing to roof.	✓
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 	Proportions are residential in style and would appear in keeping with its locality.	✓
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 – the extension would provide an additional opening to the rear of the dwellinghouse.	✓

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:

- 18, Hopton Hall Lane – adjoining the application property to the south-west.

It is considered this neighbour would be most impacted by the development. The proposed development would extend ~4.5 metres along the common boundary at ground floor level and ~3 metres at first floor level.

Regarding KDP 5 of the SPD, which addresses overshadowing and loss of light, it appears the proposed development would intersect a 45° line drawn from the closest habitable window of No. 18 to the corner of the extension. The applicant's agent has confirmed that this window serves a kitchen. According to paragraph 4.18 of the SPD, development that deviates from the 45° rule may still be acceptable if the sun's orientation offers mitigating factors. To assess the potential overshadowing on the rear amenity space/habitable windows of No.18, sunlight calculator software has been used. Given that No. 18 Hopton Hall Lane is situated on the south-west-facing elevation, it is concluded that the proposed development will not cause significant overshadowing of the rear amenity space or habitable windows, with any overshadowing being limited to the evening hours. The rear window of No.18 serves a through secondary room, therefore it has been assessed that any potential loss of ambient light would not be detrimental to the living conditions of occupiers of No.18.

Regarding the impact on the first-floor window at No. 16, the submitted plans indicate that this window serves a bathroom and could be removed if necessary. The proposed extension would slightly encroach on the 45-degree line drawn from the centre of this window. However, since the window serves a non-habitable room and considering the orientation of the extension relative to No. 16, the development would not significantly affect the natural light currently received by No. 16 and officers consider it would not be necessary to remove this window. Therefore, the proposal would be acceptable in this case.

In terms of overlooking / loss of privacy, there are no windows proposed to the side elevation facing No.18.

- 10, Hopton Hall Lane – located to the north-west

This dwelling is two-storeys in height and located at a higher ground level to the application site.

Regarding overlooking and privacy, the submitted plans indicate that a pair of patio doors would be installed on the side/north-west facing elevation. These would be positioned approximately 3 meters from the shared boundary and screened by existing boundary treatments, due to the difference in land levels. As a result, any potential overlooking would not significantly affect the occupants of No. 10.

In terms of overshadowing and loss of light, the development is not expected to cause any undue impacts, given the existing boundary treatments, separation distance, and difference in land levels. Additionally, the removal of the existing garage at the rear of No. 16 as part of the development will help mitigate any potential overbearing or massing effects along the common boundary.

- 92, Jackroyd Lane – located to the rear.

Given the separation distance of approximately 18 meters between the rear elevation of No. 92 and the proposed extension, the development is not considered to cause any significant loss of amenity to the occupants of No. 92.

	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)	<ul style="list-style-type: none"> • KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF 	Acceptable for the reasons above.	✓
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 	Acceptable for the reasons above.	✓
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 	Over half the existing garden space would be retained.	✓

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	<ul style="list-style-type: none"> • KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP 	N/A	N/A

	<ul style="list-style-type: none"> Chapter 12 of the NPPF 		
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 proposed development would expand the number of bedrooms on-site from 2 to 4. Although the current garage, which no longer meets the size requirements for modern vehicles, would be removed, this is unlikely to result in a significant reduction of parking space. The property has a partially paved area on the side that could be used for off-street parking, which would support the increase in bedrooms at No. 16. Additionally, the property is well-located near the services of Mirfield and is close to frequent public transport, making it a sustainable location to support car-free use.	
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 	None shown on plans, however there is sufficient space within the red line boundary to accommodate bin 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: 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	<ul style="list-style-type: none"> KDP 13 of the SPD 	N/A	N/A

	<ul style="list-style-type: none"> • Policy LP24 Design (d) (i) (iv) Policy LP33 Trees • Chapter 12 of the NPPF 		
Impact on ecology	<ul style="list-style-type: none"> • KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF 	Bat Alert layer - The building is in good order, well sealed and unlikely to have any significant bat roost potential. A cautionary note is recommended.	
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.	✓

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

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: 2025/90154

Officer Recommendation: Approve

Conditions

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 external walls 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 in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, Principles 1 and 2 the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	-	-	23/01/2025
Existing Elevations & Plans	2024 / 458 / 01	-	23/01/2025
Proposed Site Plan	2024 / 458 / 03	-	23/01/2025
Proposed Elevations and Floor Plan	2024 / 458 / 02	-	23/01/2025
Design and Access statement	-	-	23/01/2025

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.

Clarification was sought regarding the use of the ground floor window at No.18.

Report Dated:

17/03/2025