

**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:	2025/62/90377/E
Site Address:	9, Dunbottle Lane, Mirfield, WF14 9HY
Description:	Erection of two storey side extension
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: 17-Apr-2025

OFFICER REPORT

Site Description

9, Dunbottle Lane, Mirfield, WF14 9HY is a two storey, detached dwelling which is located on the southern side of the street adjacent to a grave yard.

The dwelling has a private rear garden, its own driveway and is set back from the road by amenity space to the front. Properties in the street scene form a reasonably consistent building line.

Within the immediate street scene, properties are not uniform in appearance or design and there is variance in scale.

Description of Proposal

The two storey side extension, which includes a first floor over the existing garage, would extend 3.6m beyond the side elevation of the host dwelling, have a depth at first floor of 8.9m, a maximum height of 5.9m and an eaves height matching the host dwelling. This would be in line with the front and rear of the dwelling.

As part of these works, there would also be works to the front of the dwelling. The alterations to the front would extend 1.5m beyond the principal elevation of the dwelling.

The extension would, in part, be constructed with all external facing materials matching the host dwelling with the introduction of some rendered areas.

Relevant Planning History

N/A

Representations

The application was initially advertised by site notice expired on 28/03/2025

No comments received

Consultation Responses

N/A

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
- **LP22**- Parking
- **LP53**- Contaminated and unstable land

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 2024, 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 a alterations to existing dwellings.

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.

Section 5.3 of the House extension and Alterations SPD refers to side extensions and states that extensions should:

- not take up all or most of the space to the side of a house
- maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property
- be set back at least 500mm from the front wall of the house

It is acknowledged that the proposal would not be set back from the front wall of the dwelling; however, officers consider that the proposal would largely occupy the same footprint as the existing garage, would be set down from the host dwelling which would aid its subservience, would retain spacing within the neighbouring property and be constructed out of materials matching the host dwelling with the exception of where the timber panels would be replaced with render. It is considered that the use of matching materials would aid the proposals assimilation with the host property and that elements of render would not result in the proposal appearing out of keeping with the surrounding area.

The mass of the dwelling is increased but sits comfortably within the street scene due to the existing character. Many of the dwellings have been extended to a similar scale.

With regard to the alterations to the principal elevation, it is considered the porch would be limited in scale, constructed out materials matching the host dwelling and set back from the street scene and would therefore have an acceptable impact on the character of the host dwelling and surrounding area.

Having taken the above into account, subject to conditions, the proposed development would integrate with the host dwelling and 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.

7 Dunbottle Lane: adjoins the application site to the east.

Overlooking: The proposal would not have any side facing windows at first floor level. The additional first floor window in the rear will not result in any greater overlooking or loss of privacy when considering the existing window relationship.

Overshadowing/loss of light/overbearing: No.7 features one side facing window which looks towards the application property. The proposed first floor extension would extend 3m closer to no.7 than the existing relationship;

however, it is considered that there would still be a reasonable gap retained between the properties, the proposal would not extend beyond the front or rear of the host dwelling and would be set down from the ridgeline. It is considered that these factors when coupled with the orientation of the properties would prevent any significant overshadowing/loss of light or overbearing.

11 Dunbottle Lane: adjoins the application site to the west.

Overlooking: The proposal would feature one side facing window relating to the porch area. It is considered this would be in-line with the front garden of no.11 and no significant issues would be raised regarding overlooking. The additional first floor window in the rear will not result in any greater overlooking or loss of privacy to the neighbour when considering the existing window relationships.

Overshadowing/loss of light/overbearing: It is considered that the two storey side extension would be largely screened by the host dwelling and the alterations to the front are not of significant scale to raise any concerns regarding overshadowing/loss of light or overbearing.

It is considered that, due to the scale of the proposal and its location within the plot

Due to the scale and location of the proposal within the plot, there would not be any additional properties impacted by the proposal.

The additional windows in the first floor will not result in any greater impact on occupants to the rear on Dunbottle Close.

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:

Parking arrangements on site would be retained.

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 existing buildings. 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.

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: 2025/90377

Officer Recommendation: Approve

Conditions and Reasons

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.
1. The development hereby permitted shall be carried out in complete accordance with the plans and specifications 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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.
2. Where shown on the plans hereby approved the development shall be constructed using brickwork to matching the host dwelling.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP24 and LP57 of the Kirklees Local Plan and advice within the National Planning Policy Framework

Plans and specifications schedule:

Plan Type	Reference	Version	Date
Location Plan			19/02/2025
Block Plan			19/02/2025
Proposed elevations and floor plans			19/02/2025
Existing elevation and floor plans			19/02/2024
Climate change statement			19/02/2025

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 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 revisions required.