

**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:	2025/62/90458/E
Site Address:	17, Knowl Park Gardens, Mirfield, WF14 9FF
Description:	Erection of single storey side extension
Recommending Officer:	Elenya Jackson

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: 13-May-2025

OFFICER REPORT

Site Description

17, Knowl Park Gardens, Mirfield, is a semi-detached stone built property which is set back from the roadside by a front garden. The site benefits from its own driveway and attached garage.

The properties within the vicinity are not uniform in appearance; however, the material palette remains consistent within the street scene adheres to a set building line.

The site has previously received permission for a part two storey and part first floor extension on its side elevation.

Description of Proposal

This application has been received for the erection of single storey infill extension which would be in front of the existing garage.

The proposal would extend 3m beyond the side elevation and have a depth of 4.8m. This would feature a pitched roof with a maximum height of 4.2m

Relevant Planning History

2023/93062: Erection of two storey and first floor side extension. Conditional full permission.

History of Negotiations

No alterations were requested during the course of the application.

Representations

The application was advertised by site notice which expired on 19.04.2025.

No representations have been received as a result of site publicity.

Consultation Responses

No formal consultations deemed necessary.

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. 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
- **LP2** – Place shaping
- **LP 22** Parking
- **LP 24** – Design
-

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. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

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 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 places
- Chapter 15- Conserving and enhancing the historic environment

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) Conditions
- 7) Conclusion

1) Principle of development

The site is without notation of 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 the 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 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

Key Design Principle 1 of the House Extensions and Alterations supplementary planning document (SPD) state that extensions and alterations to residential properties should be in keeping with the appearance, scale, design, and local character of the area of the street scene. Furthermore, Key Design Principle 2 of the HEASPD goes onto state that extensions should not dominate or be larger than the original dwellinghouse and should be in keeping with the existing building in terms of scale, materials, and details.

The proposal would be visible from the street scene as it would be on the front of the host dwelling.

Officers consider that the width of the proposal would match the existing garage on site and therefore the principle of an extension this width has been established. There is a change in ground levels between the property and neighbouring dwellings and therefore the proposal would not appear to be taking up most of the space at the side of the dwelling.

The proposed extension would be set back 0.33m from the principal elevation which is less than that set out within the SPD, however it is acceptable on balance in this instance as the extension would appear subservient in relation to the host dwelling and remain set in from the shared boundary. As such, in this instance the proposal would be considered to be acceptable. Furthermore, a two storey extension has been approved on the site in a similar position with this application merely removing the upper floor, indeed reducing any impact.

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, complying with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale, and layout.

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 proposal should promote good design by, amongst other things, minimising impact on residential amenity of future and neighbouring occupiers. The SPD goes into further detail with respect of Key Design Principle 3 on privacy, Key Design Principle of overshadowing/loss of light, Key Design Principle 6 on preventing overbearing impact and Key Design Principle 7 for outdoor space.

15 Knowl Park Gardens: attached to the application property.

The proposal would be screened by the host dwelling and therefore no significant issues would arise regarding overlooking, overshadowing/loss of light or overbearing.

19 Knowl Park Gardens: adjacent to the application site to the north.

Overlooking: the proposal would feature one side facing window for an office space/snug. It is acknowledged this would face onto the garage of no.19 but as the window is secondary, it is considered this could be conditioned to be obscured.

Overshadowing/loss of light: The proposal would not extend beyond the rear elevation of the host dwelling or within the 45-degree visibility splay of any habitable windows at no.19. Therefore, no significant issues would arise regarding overshadowing/loss of light.

Overbearing: The proposal would not intercept the private amenity space or any windows of no.19 and therefore no significant issues would arise regarding overbearing.

4) Impact on highway safety

The proposals would allow for some intensification of the domestic use.

The site currently has parking for up to three vehicles via a garage and two driveway spaces. One of the parking spaces are to be relocated to the front of the dwelling as there is not provision for on street parking within the vicinity. The extension would not achieve any additional bedrooms and therefore it is considered that two parking spaces being retained would be acceptable.

This area would provide the minimum depth required for a parking space, although it is noted that as there is no formal footway, parked vehicles would not result in a pedestrian safety issue. Bin storage for the dwelling would not be moved as part of the proposals. As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extensions & Alterations SPD.

5) Other matters

Carbon Budget

The proposal is a small-scale development 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.

6) Representations

No representations have been received because of site publicity.

7) Proposed conditions

Standard time scale

In accordance with the approved plans

Matching materials

9) 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: 2025/90458

Officer Recommendation: Approve

Conditions 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 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.

3. The development shall be constructed with all external facing materials matching the original 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 Received
Location Plan			18.03.2025
Proposed Site Plan	P03		18.03.2025
Grouped Plans and Elevations	PL02		18.03.2025
Existing Grouped Plans and Elevations	PL01		18.03.2025
Climate Change Statement			18.03.2025

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 Planning 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. No alterations have been sought as non were considered necessary.