

**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:	2025/62/90546/E
Site Address:	101, Shillbank Lane, Mirfield, WF14 0QP
Description:	Erection of two storey rear extension
Recommending Officer:	Faiza Bano

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: 19-May-2025

HOUSEHOLDER DELEGATED REPORT

Application Number	2025/90546
Location	101, Shillbank Lane, Mirfield, WF14 0QP
Proposal	Erection of two storey rear extension
Publicity end date	30 th April 2025
Number of representations received	None.
Kirklees Local Plan Allocation/Designation	LP Environmental Designations - Built Up Area, LB Airport Consult - AREA 1, DEVELOPMENT_LOW_RISK_AREA
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 51** – Protection and improvement of air quality

Supplementary Planning Document ‘House Extensions and Alterations’ (2021).

	YES / NO	SUMMARY
Negotiations/Amendments during course of application	No	N/A
Parish/Town Council comments sought (Kirkburton)	No	N/A
Planning History	Yes	<p>Planning Ref: 2005/94900 Location: 101, SHILLBANK LANE, MIRFIELD, WF14 0QP Proposal: ERECTION OF TWO STOREY EXTENSION Decision code: RF Decision: RF - REFUSED Decision Date: 2006-01-24</p> <p>Planning Ref: 2006/90603 Location: 101, SHILLBANK LANE, MIRFIELD, WF14 0QP Proposal: ERECTION OF SINGLE STOREY EXTENSION Decision code: RF Decision: RF - REFUSED Decision Date: 2006-04-10</p> <p>Planning Ref: 2024/93306</p>

		Location: 101, Shillbank Lane, Mirfield, WF14 0QP Proposal: Certificate of lawfulness for existing erection of two storey rear extension Decision: CERT OF LAWFUL OPPS REFUSED Decision Date: 2025-01-08
Consultations required	No	N/A

Assessment

The Kirklees SPD sets out that two storey rear extensions should comply with certain parameters set out in paragraph 5.8 on page 25 (and listed below) and if they do not, they need to be justified:

Two Storey Rear Extensions Should:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
be proportionate to the size of the original house and garden;	Yes - The extension is not considered to cause detriment to the street scene.	
not normally exceed 50% of the total area of land around the original house (including previous extensions and outbuildings);	Yes – The extension does not cover more than half of the total area around the original house. Considered acceptable.	
not project out more than 3 metres from the rear wall of the original house or by 4 metres for detached properties;	Yes - The proposed extension projects out by approximately 3m which is in keeping with the SPD. Given the form of the original dwelling, the proposed extension would project out by 1.9m from the rear elevation of the neighbouring property. Ample garden space will be retained to the rear of the house.	
not exceed a height at the eaves of 3 metres where the extension is within 1.5		The proposed extension has an eaves height of 5.2 metres. There is a one-metre gap between the

metres of the property boundary;		side elevation of the neighbouring property and the proposed extension. Given that the extension projects 1.9 metres beyond the rear windows of 103 Shillbank Lane, it is considered acceptable. Historical maps dating back to 1965 indicate that the two-storey section at the rear of 103 Shillbank Lane is not part of the original dwelling, thereby setting a precedent for a two-storey extension along this row of terraces.
be separated from the property boundary, such as a wall, fence or hedge, by at least 1.5 metre; and		No – as mentioned above, the existing extension at 103 Shillbank Lane sets a precedent for this application.
not adversely affect habitable room windows where they adjoin a neighbour's boundary	The proposed extension projects 1.9 metres beyond the rear elevation of 103 Shillbank Lane. According to the SPD, extensions up to 3 metres are considered permissible under the 45-degree rule. Therefore, it is considered that the proposal will not adversely affect the habitable room windows at 103 Shillbank Lane.	

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

Summary of local street scene/character:

The site to which the application site relates to is number 101, Shillbank Lane, Mirfield, WF14 0QP. A two-storey end terrace dwelling finished in stone and the roof is finished in tiles. The property benefits from amenity space to the rear. The dwellings that form the street scene are similar in appearance, scale and material palette. The area is predominantly residential, and the street scene encompasses several dwellings of similar character size, design and scale.

Regarding parking provision, the row of properties lacks in-curtilage parking at the front. However, there is on-street parking available at the front, and a garage is located at 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 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 	The extension is generally modest in scale and due to a neighbouring property having a similar extension, the proposed development would not appear overly prominent. The proposed development would be located to the rear of the property and will have some impact on the character or street scene across the frontage of the property.	✓
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 original property would remain the dominant feature.	✓
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 	As above. The extension would project across the rear of the property. The proposed development consists of a two-storey extension to the.	✓
Facing materials and detailing	<ul style="list-style-type: none"> • KDP 9 of the SPD 	Facing materials to match existing.	✓

	<ul style="list-style-type: none"> • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF 		
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 	Lean-to roof style is considered acceptable as it is in-keeping with the original roof style of the host property and/or match the character of the street scene.	✓
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 	Modest size windows in extensions, which would be in-keeping with existing building.	✓
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 which would provide easy access into the main house.	✓

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:

- 48 Shillbank Lane – Given the form and orientation of the application site, number 48 shall see an addition to the rear of the application site. However, given the distance between the properties, it is considered there will be no impact on this property.
- 97 Shillbank Lane – Shall see an addition to the rear of number 101. Given the distance between the dwelling, there will be no impact on number 97.
- 103 Shillbank Lane – Adjoining property, shall see an alteration to the appearance of the rear elevation. However, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

The extension is designed ensure privacy to neighbours and will not produce conflict relating to light and outlook. The extension is designed to ensure that it meets the 45° at first floor level. Issues regarding loss of light/outlook/overshadowing are minimal due to the orientation of the row of properties in relation to the sun path and impact would only occur as the sun is setting.

	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 set out 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 	As 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 	As above.	✓

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 	Parking is predominantly provided on-street, which remains acceptable due to the location of this	✓

	<ul style="list-style-type: none"> • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF 	<p>property and the neighbouring houses.</p> <p>The proposal sees an increase from a one bedroom house to a two bedroom house. Officers do not consider the highway safety concerns are significant enough to warrant a refusal of this application.</p>	
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 	Maintains appropriate access and off-street in-curtilage parking.	✓
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 allow for storage on site. Condition not considered necessary.	✓

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 • Policy LP24 Design (d) (i) (iv) Policy LP33 Trees • Chapter 12 of the NPPF 	N/A	✓
Impact on ecology	<ul style="list-style-type: none"> • KDP 12 of the SPD 	N/A	✓

	<ul style="list-style-type: none"> • Policy LP30 • Chapter 15 of the NPPF 		
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:

The application was advertised via neighbour notification letters.

Final publicity date expired: 30th April 2025

No representations were received:

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: 2025/90546

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 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: 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 13.00hours, 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 can 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:-

Plan Type	Reference	Version	Date Received
Existing Grouped Plans and Elevations	MH01-04-PL01 - Existing		24-Mar-25
Proposed Grouped Plans and Elevations	MH01-04-PL02 - Proposed		24-Mar-25
General	CCS		24-Mar-25
Design and Access Statement	MH01-04		24-Mar-25

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 2024 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: 16/05/2025