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:	**2025/62/90674/E**
Site Address:	12, Church Lane, Mirfield, WF14 9HU
Description:	Erection of single storey rear extension and first floor side extension
Recommending Officer:	Jennifer Booth

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: 03-Jul-2025

OFFICER REPORT

Site Description

12 Church Lane is a brick and rendered semi-detached dwelling with gardens to the front, a drive to the side with a detached garage and enclosed gardens to the rear. The property has an existing single storey side extension.

The property backs onto open fields with other residential properties to the front and sides of varying styles.

Description of Proposal

The applicant is seeking permission for a first floor side extension and a single storey rear extension.

The rear extension is proposed to project 3.3m from the original rear wall of the dwelling with a width of 5.7m. The roof over the rear extension would be lean to with roof lights. There would be steps down to the rear garden.

The first floor side extension would be set back 0.8m from the front wall of the dwelling and would project between 3m and 1.8m, extending the depth of the dwelling with hipped roof forms.

The walls of the extension would be constructed using brick for the ground floor with render at first floor level with tiles for the roof covering.

Relevant Planning History

2002/93217 – erection of conservatory - approved

History of negotiations

Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2024 encourages negotiation/engagement between Local Planning Authorities and agents/applicants, this is only within the scope of the application under consideration. The initially submitted plans included a raised patio. Due to privacy concerns, the patio has been removed. As the alteration reduced the scheme, the amended plans have not been advertised. Further information regarding how they intend to prevent harm to the protected tree within the front garden has also been supplied.

Representations

The application was advertised by neighbour letters, which expired on 18/04/2025

As a result of the above publicity, no representations have been received.

Consultation Responses

K.C. Trees – concerns raised regarding potential harm to protected tree in front garden. Submission of further details has been reviewed and is considered to be acceptable subject to condition.

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
- **LP 30** – Biodiversity
- **LP 33** - Trees

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.

The site is within Mirfield Neighbourhood Area. There is no made Neighbourhood Development Plan (NDP) within the Mirfield Neighbourhood

Area at present. Furthermore there is no emerging NDP to be considered as a material consideration in assessment of this application. Further details on the progress of neighbourhood development plans in the district can be found at: https://www.kirklees.gov.uk/beta/planning-policy/neighbourhood-planning.aspx

However, the Mirfield Design Guide 2002 is still of relevance and requires development to be in keeping with the area.

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 places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

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 & 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.

Impact on visual amenity:

Key Design Principle 1 of the House Extensions & Alterations SPD does state 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. Furthermore, Key Design Principle 2 of the House Extensions & Alterations SPD goes onto state that extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and details.

The proposal under consideration consists of three distinct elements which shall be addressed below.

First floor side extension

Paragraphs 5.15, 5.19 & 5.21 of the House Extensions & Alterations SPD are of relevance with regards to the side extension as they require the development proposed to be located and designed to minimise the impact on the character of the area, reflect the original building in terms of materials and detailing and ensure adequate space is retained to provide a sense of space.

The extension to the side would be set back from the front wall with a corresponding set down of the roof and with a sizeable gap to the boundary. The design and scale are therefore in keeping with the SPD. The materials proposed would match the main house. The detailing including the fenestration and roof form would form an appropriate relationship with the host property. The side extension is therefore considered to be acceptable in terms of visual amenity.

Single storey rear extension

Paragraphs 5.1 and 5.2 of the House Extensions & Alterations SPD go into further specific detail regarding rear extensions requiring development to maintain the quality of the residential environment, respect the original house and use appropriate materials.

The single storey rear extension is acceptable in terms of scale with its projection of 3m. The materials proposed include the use of brick for the walling and tiles for the roof covering which would match the main house. The detailing is considered to form an acceptable relationship with the host property. The single storey rear extension is therefore considered to be acceptable in terms of visual amenity.

Having taken the above into account, the proposals 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 and (c) as the extension would form a subservient addition to the property in keeping with the existing building, KDP 1 & 2 of the House Extensions & Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

<u>Impact on residential amenity</u>:

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 Extensions & 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.

There are no properties directly to the front or to the rear which could be affected by the works proposed.

Impact on 10 Church Lane

The adjacent property to the south east occupies a position some 18m from the site. The first floor side extension would not reduce the space between the properties and as such would not result in any overshadowing or overbearing. There would be a single first floor window in the extension. However, this would serve an ensuite and would be obscurely glazed. As such, there would be no loss of privacy.

The single storey rear extension would also not reduce the space between the properties and likewise would not result in any overbearing or overshadowing. It does include a window which would look towards the neighbour's property. However, between the separation distance and the boundary treatment between the properties, there would be no loss of privacy.

With regards to the impact on the adjacent 10 Church Lane, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12 of the NPPF and the proposals are considered to be acceptable.

Impact on 14 Church Lane

The first floor side extension would be constructed on the opposite side of the host property to the adjoining dwelling and as such would result in no overlooking, overshadowing or overbearing.

The single storey rear extension would be constructed along the shared boundary with the potential to result in overshadowing and overbearing. However, the projection is limited to 3m which is in line with advice within the SPD. The windows proposed would look into the applicants own amenity space with limited potential to result in any significant overlooking over the amenity space of the adjoining property.

With regards to the impact on the adjoining 14 Church Lane, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12 of the NPPF and the proposals are considered to be acceptable.

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding

neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key Design Principles 3, 5, 6 & 7 of the House Extensions & Alterations SPD and Chapter 12 of the National Planning Policy Framework.

Impact on highway safety:

The proposals will result in some intensification of the domestic use. However, the parking area to the side of the property would not be affected by the proposed extension and is considered to represent a sufficient provision. 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.

Other matters:

Biodiversity

After a visual assessment of the building by the officer, it appears that the building is in good order, well-sealed and unlikely to have any significant bat roost potential. Even so, a cautionary note should be added that if bats are found during the development, then work must cease immediately, and the advice of a licensed bat worker sought.

Protect Trees

The application site has a protected tree within the front garden which is protected and contributes to the character of the area. Paragraph 131 of the National Planning Policy Framework (NPPF) recognises the important contribution trees make to the quality of urban environments and encourages their retention wherever possible. In line with Policy LP33 of the Kirklees Local Plan, proposals should protect valuable trees and ensure that any potential impacts are fully assessed and appropriately mitigated.

The plans have been reviewed by the Arboricultural Officer and whilst the extensions are unlikely to cause harm to the tree, concerns were raised in terms of protecting the tree further. Additional details were provided showing where the building materials were to be stored and details of a protective jacket for the tree trunk which overcome the concerns. The scheme is considered to be acceptable in terms of LP33 of the Kirklees Local Plan.

Carbon Budget

The proposal is a small scale domestic 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.

There are no other matters for consideration.

Representations:

None

Negotiations:

None

Proposed conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions.

Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.

Matching materials to ensure that the extensions harmonise with the host property as using alternative materials would look out of place within the street scene.

Conclusion:

This application to erect a first floor side extension and a single storey rear extension at 12 Church Lane has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions & Alterations SPD, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposals are considered to be acceptable.

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: 2025/90674
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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions & Alterations SPD and the aims 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 to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions & Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

4. The works shall be carried out in complete accordance with the plans and details submitted 25/06/2025 titled “Tree protection plan” and “Tree protection plan – site plan”.
Reason: In the interests of the preservation of the protect tree and to accord with Policy LP33 of the Kirklees Local Plan and the aims of chapter 15 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.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior

to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

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**	**Web ID**	**Date Received**
Location plan	-	1080609	12/03/2025
Block plan	-	1080610	12/03/2025
Proposed & existing plans	-	1088390	16/05/2025
Climate change statement	-	1080612	12/03/2025
Tree protection plan	-	1093699	25/06/2025
Tree protection plan – site plan	-	1093697	25/06/2025

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 2024 and otherwise actively engaged with the applicant in dealing with the application.

The initially submitted plans included a raised patio. Due to privacy concerns, the patio has been removed. As the alteration reduced the scheme, the amended plans have not been advertised. Further information regarding how they intend to prevent harm to the protected tree within the front garden has also been supplied.

Report Dated 28/05/2025