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:	**2025/62/90913/E**
Site Address:	Gardeners Cottage, Pinfold Lane, Mirfield, WF14 9JA
Description:	Demolition of existing conservatory and erection of two storey extension and outdoor covered oak frame
Recommending Officer:	Nicole Helliwell

DECISION - REFUSE

I hereby authorise the refusal of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Sarah Longbottom

AUTHORISED OFFICER

Date: 04-Jun-2025

Officer Report

Reference No. 2025/62/90913/E

Site Address: Gardeners Cottage, Pinfold Lane, Mirfield, WF14 9JA

Proposal: Demolition of existing conservatory and erection of two storey extension and outdoor covered oak frame.

Site Description

The application relates to Gardeners Cottage, a single-storey detached property situated off Pinfold Lane in Mirfield. The dwelling is constructed in stone and incorporates a hipped roof finished in stone tiles. The neighbouring properties are of residential use and comprise stone built dwellings of varying architectural styles. The site is not within a conservation area, nor are there any listed buildings nearby. The site is not within a conservation area, nor are there any listed buildings or Public Rights of Way (PROW) within close proximity.

Description of Proposal

The proposal is for the erection of a two storey extension and an outdoor covered oak frame. The existing conservatory would be demolished to allow for the proposed works. The details of the proposal have been summarised below:

- Two storey extension (projection approx. 4.37m, maximum height approx. 6.18m and eaves height approx. 4.12m)
- Oak Frame (length approx. 6m, depth approx. 4m and overall height approx. 4m)

History of negotiations / amendments received

No amendments were sought or received during the course of the application.

Relevant Planning History

Not Applicable.

Representations

The application was publicised by site notice, which expired on 20th May 2025. As a result of the above publicity, no representations have been received.

Consultation Responses

Not Applicable.

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. The most relevant policies for consideration in this case are:

Kirklees Local Plan Policies

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 21** - Highways and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 30** - Biodiversity and Geodiversity
- **LP 52** - Protection and Improvement of Environmental Quality

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.

In this case, the following SPDs are applicable:

- Highways Design Guide SPD (adopted 4th November 2019)
- Biodiversity Net Gain Technical Advice Note (adopted 29th June 2021)
- House Extensions and Alterations SPD (adopted 29th June 2021)

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, 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 2** - Achieving Sustainable Development
- **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

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 on the application site is considered acceptable, and shall be assessed against other material planning considerations, including visual and residential amenity, as well as highway safety.

1. Impact on Visual Amenity

Key Design Principle 1 of the House Extensions & Alterations Supplementary Planning Document (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 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.

Oak Frame

The frame proposed would measure 6m in length, 4m in depth and 4m overall in height. The structure would be constructed from oak with a roof covering. Although it is noted that the outbuilding would be sited forward of the original building line, the structure would not be unduly prominent within the street scene given the siting of the dwelling. On this basis, the proposed development would respect the visual amenity of the host property and wider street scene and would be acceptable.

Two Storey Extension

The proposed two storey extension would project approx. 4.37m from the south elevation of the original build. The enlargement would be constructed from stone at ground floor level with render and oak at first floor level and would incorporate a dual-pitched roof finished in stone tiles. The enlargement would feature a high ridge line and would lack subservience to the original build. The extension would alter the scale and form of the original build and due to its incongruous design would fail to integrate with the host dwelling. On this basis, it is considered that the proposal would unduly harm the character and

appearance of the host property and surrounding area and cannot be supported in terms of visual amenity.

Summary

Having taken the above into account, the proposed development would cause significant harm to the visual amenity of the host dwelling and the wider street scene. Therefore, the proposal would fail to accord with Policy LP24 of the Kirklees Local Plan, KDP 1 & 2 of the House Extensions and Alterations Supplementary Planning Document and the aims of Chapter 12 of the National Planning Policy Framework.

2. 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 SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light, Key Design Principle 6 on preventing overbearing impact and Key Principle 7 for outdoor space.

Impact on The Poplars

The Poplars is a residential property located north-east of the application site. It is considered that the neighbouring occupants would not experience any significant harm to their residential amenity as a result of the proposal given that the proposed two storey extension and oak frame would be located at the opposite side of the dwelling and would not have a direct relationship with the neighbouring property.

Impact on 18 Vicarage Meadows

18 Vicarage Meadows is a two-storey detached property located south-east of the application site. It is noted that a separation distance of approximately 38.6m would be retained between the proposed two storey extension and the side elevation of no.18. Given that the separation distance retained would be substantial, it is considered that the proposal would not cause any undue harm to the neighbouring occupants with regard to overbearing, overshadowing or overlooking.

Impact on 16 Vicarage Meadows

16 Vicarage Meadows is a residential property located south-east of the application site. It is considered that the neighbouring occupants would not experience any undue harm to their residential amenity as a result of the proposed two storey extension and the proposed oak frame due to the location of the proposal and there positioning away from the common boundary.

Impact on Midway

Midway is a two-storey detached property located west of the host dwelling. The proposed two storey extension would occupy a position approximately 23.2m from the rear elevation of the neighbouring property and would be acceptable in terms of residential amenity. Whilst the proposed oak frame would be sited close to the shared boundary with Midway, due to its positioning, it is not considered to cause any undue harm to the neighbouring occupants with regard to overbearing, overshadowing or overlooking

Occupier Amenity

The plans confirm that sufficient outdoor amenity space of a functional layout would be retained at the site. on this basis, the proposed works would ensure an acceptable standard of amenity for existing and future occupants.

Summary

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 Kirklees House Extensions and Alterations SPD and Paragraph 135(f) of the National Planning Policy Framework.

3. Impact on Highway Safety

Local Plan Policies LP21 and LP22 of the Kirklees Local Plan are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Furthermore, Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The proposed development would create an additional bedroom which would intensify the domestic use at the dwelling. However, it is noted that two off street parking spaces would be retained which would represent a sufficient provision for a three bedroomed dwellinghouse. Therefore, the development is considered acceptable in accordance with Policies LP21 and LP22 of the KLP, Chapter 9 of the NPPF, Principles 15 and 16 of the Kirklees House Extensions and Alterations SPD and the Highways Design Guide SPD.

4. Other Matters

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.

Ecology

The application site is located within the bat alert layer on the Council's GIS mapping system. An advisory note will be attached to the decision notice should the application be approved. If signs of bats are found, work should immediately cease and the advice of a suitable professional sought.

There are no other matters relevant to the determination of this application.

5. Representations

No representations were received following the statutory publicity.

6. Conclusion

This application for the erection of a two storey extension and outdoor covered oak frame at Gardeners Cottage has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions and Alterations SPD, the National Planning Policy Framework and other material considerations.

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. For the reasons set out above, it is considered that the development would not constitute sustainable development and is therefore recommended for refusal.

Recommendation: Refuse

Decision Authorisation - Delegated Powers
Application Number: 2025/90913
Officer Recommendation: Refuse
Reasons for Refusal

1. The proposed two-storey extension by virtue of its design and scale would lack subservience and would appear disproportionate in relation to the original dwelling. The extension would fail to harmonise with the existing dwelling and the character and appearance of the wider area. To permit the proposal would be contrary to Policy LP24 of the Kirklees Local Plan, the House Extensions and Alterations SPD and Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Revision	Date Received
Location Plan	-	-	10/04/2025
Existing Elevations and Floor Plans	2025/479/01	-	09/04/2025
Proposed South Elevation	2025/479/02	-	09/04/2025
Proposed North Elevation	2025/479/02	-	09/04/2025
Proposed East Elevation	2025/479/03	-	09/04/2025
Proposed West Elevation	2025/479/04	-	09/04/2025
Proposed Ground Floor Plan	2025/479/05	-	09/04/2025
Proposed First Floor Plan	2025/479/06	-	09/04/2025
Proposed Section	2025/479/07	-	09/04/2025
Proposed Site Plan & Outdoor Covered Frame	2025/479/09	-	09/04/2025
Oak frame	-	-	09/04/2025
Climate Change Statement	-	-	09/04/2025

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. In this case, the submitted plans were considered unacceptable due to the impact of the proposal on visual amenity. As such, no amendments were sought thereafter as the alterations required would be beyond the scope of the application.

Report Dated: 28//05/2025