

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:	2025/62/91008/E
Site Address:	23, Quarryside Road, Mirfield, WF14 9QQ
Description:	Erection of conservatory to rear
Recommending Officer:	Faiza Bano

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 11-Jul-2025

HOUSEHOLDER DELEGATED REPORT

Application Number	2025/91008
Location	23, Quarryside Road, Mirfield, WF14 9QQ
Proposal	Erection of conservatory to rear
Publicity end date	25 th June 2025
Number of representations received	Two.
Kirklees Local Plan Allocation/Designation	Unallocated, LB Airport Consult - Area 1, DEVELOPMENT_HIGH_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	✓	

If 'No' to all above, proceed with a fast track report

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).

- Key design principle 1: Local character and street scene
- Key design principle 2: Impact on the original house
- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 10: Renewable energy
- Key design principle 11: Water retention
- Key design principle 12: Natural environment
- Key design principle 13: Vegetation and tree planting
- Key design principle 14: Drainage and flood risk
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

	YES / NO	SUMMARY
Negotiations/Amendments during course of application	No	N/A
Parish/Town Council comments sought	No	N/A
Planning History	Yes	2017/94215: Certificate of lawfulness for proposed single storey side extension - CERT OF LAWFUL OPPS GRANTED
Consultations required	No	N/A

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Assessment

The Kirklees SPD sets out that single storey rear extensions should comply with certain parameters set out at paragraph 5.2 on page 23 (and listed below) and if they do not, they need to be justified:

Rear Extensions Should:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
respect the original house and garden in terms of its size and scale	Yes – the extension does not cover more than half of the total area around the original house.	
use appropriate materials which match or are similar in appearance to the original house; and	Yes – materials to match	
not have an adverse impact by way of overshadowing or loss of outlook of neighbouring properties.	Due to the single-storey nature of the proposed extension, it will not overshadow neighbouring properties. Due to the modest scale of the proposed extension, there will be no impact on the loss of outlook of neighbouring properties.	

The Kirklees SPD sets out that single storey rear extensions should comply with certain parameters set out in paragraph 5.6 on page 24 (and listed below) and if they do not, they need to be justified:

Single storey extensions should:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
be in keeping with the scale and style of the original house;	Yes – The extension is designed to be in keeping with the scale and style of the original house. It uses matching materials and architectural features, ensuring it blends	

	seamlessly with the existing structure.	
not normally cover more than half the total area around the original house (including previous extensions and outbuildings);	Yes – The extension does not cover more than half the total area around the original house	
not exceed 4 metres in height;	Yes – The extension does not exceed 4m in height. The extension has a lean-to roof and has an eaves height of 2.4m from ground floor level which is within the permissible limit, and an overall height of 3.5m, ensuring the structure remains unobtrusive and does not overshadow neighbouring properties.	
not project out more than 3 metres from the rear wall of the original house for semi-detached and terraces houses or by 4 metres for detached properties;		No – the extension projects out by 4.5m. This is half a metre more than what is allowed for detached dwellings, however the adjacent dwelling is set back in relation to the application property which mitigates this – considered acceptable.
where they exceed 3m in length the eaves height should generally not exceed 2.5 meters; and	Yes – eaves height is 2.4m from ground floor level	
retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.		No – the extension does not retain a gap, however, the dwellings are detached and the neighbouring property, number 25, sits further back than the application site – the rear building line is 2m away from the rear building line of number 23. This also ensures it doesn't breach the 45 degree rule.

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

Summary of local street scene/character:

The site to which this application relates is 23, Quarryside Road, Mirfield, WF14 9QQ. It consists of a two-storey brick built detached property, a driveway and a garage to the front and a large garden to the rear. The site is partially screened to the front, and it is enclosed to the rear by close board fencing and mature trees. The site and its surrounding area are wholly residential characterised by two storey stone built detached properties with various forms of rear extensions.

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	• 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 neighbouring properties having similar extensions, the proposed development would not appear overly prominent. The proposed development would be located to the rear of the property and will not impact the character or street scene across the frontage of the property.	✓
Impact on original house	• 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	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c)	As above. The extension would project across the rear of the property and is single storey.	✓

	- and (d) of the KLP - Chapter 12 of the NPPF		
Facing materials and detailing	- KDP 9 of the SPD - Policy LP24 Design (d) (iii) of the KLP - Chapter 12 of the NPPF	Facing materials to match existing.	✓
Roof style	- KDP 1 and 2 of the SPD - Policy LP24 Design (a), (c) and (d) of the KLP - Chapter 12 of the NPPF	Hipped roof style – acceptable as applicants could build something similar in size and scale under permitted development.	✓
Window proportions	- 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 rear extension, with floor to ceiling windows and sky lights, which would be in-keeping with existing building.	✓
Accessibility for all users	- 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:

- 21 Quarryside Road – there is over a metre distance between the shared boundary of these properties, and it is considered that there will be little to no impact on this dwelling.
- 25 Quarryside Road – the proposed extension does not retain a gap along the shared boundary. However, given that the rear building line of number 25 sits further back by 2m, it is considered that the proposed

conservatory projects beyond this property by 2.5m and does not breach the 45-degree rule, it is considered that there will be little to no impact in terms of overbearing/overshadowing impact. The proposal includes windows facing this property, however, concerns regarding outlook and privacy are mitigated by the proposed obscurely glazed windows within the facing elevation of the extension.

- There are properties immediately to the front. However, the proposed extension is to the rear and due to the set back from the frontage of the application site, it will not impact the properties opposite.
- There are no properties located to the rear.

		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)	•	• 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)	•	• KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF	As above.	✓
Remaining garden space of application property	•	• 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	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	Parking is predominantly provided on-street and in curtilage, which remains acceptable due to the location of this property and the neighbouring houses – off the main through-fare. The property also has a driveway large enough to fit a car after the construction of the proposed rear extension.	✓
Parking provision	• 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	• 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	• KDP 13 of the SPD	N/A	✓

	• Policy LP24 Design (d) (i) (iv) Policy LP33 Trees • Chapter 12 of the NPPF		
Impact on ecology	• KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF	N/A	✓
Carbon Budget / Climate change statement	• 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	• 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 by site notice, which expired on the 25th of June 2025. As a result of site publicity, two representations from the same dwelling were received:

1. The individual objects to the proposed conservatory on the grounds that it does not maintain a minimum gap of 1 metre from the boundary. Additionally, its position and height would negatively impact the natural light currently enjoyed in their property. The window facing the garden would directly overlook their garden, compromising privacy, and the conservatory would significantly reduce the outlook from their property.

Officer Response: *The proposed conservatory does not retain a gap from the boundary. However, it is important to note that the neighbouring property does not have any openings along the side elevation that face the application site. This ensures that there will be no direct impact on the natural light or privacy of the neighbouring property.*

Regarding the impact on natural light, the application site's rear building line is positioned two metres beyond the rear building line of the neighbouring property. Consequently, the conservatory will project only 2.5m metres beyond the rear elevation of the objector's property. This limited projection is designed to minimise any significant impact on the natural light currently enjoyed by the neighbouring property.

In terms of privacy concerns, the windows facing the garden are designed with obscure glazing. This feature effectively mitigates privacy concerns by preventing direct views into the neighbouring garden, thereby maintaining the privacy of both properties.

Finally, given the conservatory's 2.5m projection beyond the rear building line of the objector's property, the impact on the outlook is considered minimal. The design and positioning of the conservatory have been carefully planned to ensure that the outlook from the neighbouring property is not significantly compromised.

2. The individual wishes to formally object to the planning application, noting that the site indicates objections are closed, but the paper notice was only displayed on the street on June 4th, with a 21-day objection period ending on June 25th, 2025. They highlight inaccuracies in the architect's drawings, which show boundary lines veering to the right and not running parallel with the original structure. The land registry title plan indicates the side boundary narrows towards the rear, making the drawing inaccurate and encroaching on their land. They question the validity of the boundary claimed by the property owner, noting that hedges were removed and a fence erected at the furthest edge of the hedges, as visible on Google Maps.

The individual also states that if the conservatory is approved, the property owner/builder would not have access from their property for construction work. They acknowledge they cannot object on the grounds of blocking light or view but express disappointment as the property's south-facing orientation was a key factor in their purchase. They request consideration for amending the plans, suggesting the conservatory be built lengthways across the bay window in the centre of the property to minimise light and view obstruction and improve construction access. They also question how equipment and materials will be transported to the rear, given the narrow passage on one side of the property.

Officer Response:

The submitted site plan also indicates that the side boundary narrows towards the rear.

Officers do not consider it reasonable to request amendments as the proposal has been assessed as being acceptable for the reasons stated in the above report.

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.

Recommendation: **CONDITIONAL FULL PERMISSION**

Officer Recommendation: Approve

1. The development hereby permitted shall be begun within three years of the date of this permission.

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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Proposed Site / Block Layout	24-141-01 - Location and exiting site plan		22-Apr-2025
Proposed Site / Block Layout	24-141-02 - Proposed site plan		22-Apr-2025
Existing Floor Plans	24-141-03 - Existing ground floor plan		22-Apr-2025
Existing Elevations	24-141-04 - Existing roof plan		22-Apr-2025
Proposed Floor Plans	24-141-05 - Proposed ground floor plan		22-Apr-2025
Proposed Elevations	24-141-06 - Proposed roof plan		22-Apr-2025
Existing Elevations	24-141-07 - Existing front elevation		22-Apr-2025
Existing Elevations	24-141-08 - Existing side elevation		22-Apr-2025
Existing Elevations	24-141-09 - Existing rear elevation		22-Apr-2025
Existing Elevations	24-141-10 - Existing side elevation		22-Apr-2025
Existing Elevations	24-141-11 - Proposed front elevation		22-Apr-2025

Plan Type	Reference	Version	Date Received
Proposed Elevations	24-141-12 - Proposed side elevation		22-Apr-2025
Proposed Elevations	24-141-13 - Proposed rear elevation		22-Apr-2025
Proposed Elevations	24-141-14 - Proposed side elevation		22-Apr-2025
General	24-141-Climate Change Statement		22-Apr-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 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: 03/07/2025