

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:	2025/62/91056/E
Site Address:	19, Nettleton Avenue, Mirfield, WF14 9AN
Description:	Erection of two storey side extension and temporary outbuilding, raised decking to rear, relocation of existing porch and associated alterations
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.

John Holmes

AUTHORISED OFFICER

Date: 25-Jun-2025

OFFICER REPORT

Site Description

19 Nettleton Avenue is a brick built, semi-detached dwelling with gardens to the front, drive to the side and gardens to the rear. The property has an existing porch to the rear.

The property is located on a residential street with properties of a similar age although there is a mixed palette in the area including brick, render and pebbledash.

Description of Proposal

The applicant is seeking permission for a two storey side extension and temporary outbuilding, raised decking to the rear, relocation of porch and associated alterations.

The side extension would be set back 0.2m from the front wall of the dwelling, projecting 3.2m from the original side wall of the dwelling and lying flush with the rear elevation. The roof form would be pitched.

The porch on the rear would be reconstructed to the rear of the side extension with a projection of 1.8m and a width of 2.1m. The roof form would be lean to.

The plans show the walls of the main house and the extensions would be rendered.

The decking would include a platform 0.8m from the ground level between the porch and sited 1.2m from the shared boundary with the adjoining dwelling. The width would be 6.5m and it would porch 1.8m, in line with the porch.

The timber outbuilding would have a width of 3m, a depth of 2.5m with a height of between 2m and 2.5m.

Relevant Planning History

None

Representations

The application was advertised by neighbour letters, which expired on 30/05/2025

As a result of the above publicity, one representation received. The material planning matters raised are summarised as follows:-

- The use of render would be out of character.
- Parking concerns during construction / as a result of the development.
- Noise and disruption during construction.

Loss of views has also been included in objection. However, there is no right to a view and as such, this is not a material consideration in the determination of this application.

Consultation Responses

None

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

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

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 proposals consist of six distinct elements which shall be assessed as follows.

Use of render for the external walls of the original house

Paragraph 4.2 of the House Extensions & Alterations SPD states that “the local context, character and identity of the area will be a significant factor in determining the appropriate form and scale of alterations”. Paragraph 4.6 states “where extensions seek to **differ from the existing materials**, design, roof pitch or detailing, proposals will be considered on a case by case basis.”

It is acknowledged that the existing dwelling is constructed in brick, and the proposed development includes the application of a render finish. Nettleton Avenue comprises a variety of external finishes, including both brick and pebble-dashed façades. Consequently, the introduction of render would not appear incongruous within the existing street scene. While the adjoining property is finished in brick, there are other examples of semi-detached or terraced dwellings within the vicinity that display a mix of materials. As such, the proposed use of render is considered to be acceptable in terms of visual amenity and would not have a detrimental impact on the character or appearance of the area.

Two storey 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 proposed side extension includes a modest setback from the principal elevation and a stepped-down roofline, with a limited side gap of approximately 0.7 metres to the boundary. While this separation is slightly below the recommended distance outlined in the *House Extensions and Alterations SPD*, the scheme is considered to be acceptable in this instance. Owing to the angled relationship between the application property and the adjacent dwelling, a visual sense of space would be retained, and the proposal would not give rise to an unacceptable terracing effect.

The proposed use of render would be consistent with the planned alterations to the main dwelling and would integrate appropriately within the existing street scene, which features a mix of external finishes including brick and pebble-dash. The scale of the extension is considered proportionate to the host property and would not appear over dominant or out of keeping. The proposed side extension is therefore considered 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 proposed rear extension would replace an existing structure of similar dimensions, albeit repositioned to align with the rear elevation of the proposed side extension. The scale of the extension is modest and would enable the retention of a substantial portion of the rear garden, thereby preserving the overall amenity space. The proposed materials include a rendered finish for the external walls and roof tiles to match those used in the alterations to the main dwelling, ensuring a cohesive appearance.

Given its scale, siting, and materials, the rear extension is considered to be acceptable in terms of visual amenity and would not result in harm to the character or appearance of the host property or its surroundings.

Decking

The submitted plans indicate the provision of a decked area across the rear elevation of the property. The raised platform would have a finished height of less than 30cm above existing ground level and, as such, would have a minimal visual presence within the wider area.

Given its limited height and unobtrusive design, the proposed decking is considered to be acceptable in terms of visual amenity.

Detached outbuilding

Paragraph 5.29 and 5.30 of the House Extensions & Alterations SPD considers an outbuilding can have as much of an impact on the appearance of a building as any extension. These should be designed to reflect the style, shape and features of the host property and be subservient in terms of the scale of the original dwelling.

The timber outbuilding would be built at the end of the garden, the structure would be modest in terms of its size and with its timber construction, would form an acceptable relationship in the domestic setting. The outbuilding would therefore be considered to be acceptable in terms of visual amenity.

Parking to front

Paragraph 4.43 of the House Extension & Alterations SPD requires consideration when providing parking to the front of a dwelling in terms of the appearance. These should retain as much of the garden and soft landscaping as possible to ensure that the street scene does not be dominated by hard surfacing.

The property has a drive at present. The proposals are to widen the parking area to ensure an adequate parking provision whilst retaining landscaping.

The layout appears to be in line with the SPD and can be 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.

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 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.

Impact on 17 Nettleton Avenue

The side extension would be located on the opposite side of the host property to the adjoining dwelling and as such would have no impact on the amenities of the occupiers of the adjoining dwelling in terms of overshadowing, overbearing or overlooking.

The single storey rear extension would be set some distance from the shared boundary and with its single storey nature and limited projection, there would be no overlooking, overshadowing or overbearing.

The decking would be formed with such a low level platform, and of a size, scale and siting which is such that there would be no significant additional overlooking of the adjoining property over and above the existing arrangements on site.

The outbuilding would be modest in size and located at the bottom of the applicants garden with little potential to result in any significant overshadowing, overbearing or overlooking of the adjoining occupants.

With regards to the impact on the adjoining 17 Nettleton Avenue, 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 21 Nettleton Avenue

There is a limited separation between the host property and the adjacent neighbour to the north west of approx. 8.7m. Whilst the side extension would reduce this space, the angled relationship between the properties together with the limited direct alignments of the side elevation of the host property to the adjacent dwelling is such that there would not be an increase in resultant overshadowing, overbearing or overlooking that would substantiate refusal of the development proposal on such grounds.

The oblique angle which no.21 is sited is considered to be to such a degree that the orientation between the dwellings, and the fact the two storey element is solely to the side of the host property, suitably ensures no significant harm to the residential amenities of the occupier(s) of no.21. It is therefore concluded there would not be an unduly oppressive / overbearing impact to this property and taking account of the orientation no significant level of overshadowing in this case.

The single storey rear extension is limited in terms of its size and as such would have little potential to result in any overlooking, overshadowing or overbearing.

The outbuilding would be located in the opposite corner of the garden to the adjacent dwelling and therefore given the limited size and separation, there would be no overlooking, overshadowing or overbearing.

With regards to the impact on the adjacent 21 Nettleton Avenue, 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 24 & 26 Nettleton Avenue

The separation of 20m between the host property and the neighbouring dwellings on the opposite side of the road is such that there is no significant potential for the works proposed to result in any overshadowing, overbearing or overlooking.

With regards to the impact on the neighbouring 24 & 26 Nettleton Avenue, 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 46 Nettleton Road

There is a limited separation of approx. 17.7m with the property to the rear, however the extension at the rear is single storey with a limited projection

which would be limited in its potential to result in any overshadowing, overbearing or overlooking.

With regards to the impact on the neighbouring 46 Nettleton Road, the scheme is considered to be acceptable 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 plans show the enlargement of the parking area to the front of the property to allow for at least two vehicles of road, which for a three bedroom property 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:

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:

One representation received. The material planning matters raised are summarised as follows:-

- The use of render would be out of character

Response: *Nettleton Avenue has a mixed palette of materials including brick and pebbledash. As such, the use of render is not considered to be out of character in this case.*

- Parking concerns during construction / as a result of the development

Response: *Whilst concerns have been raised regarding construction vehicles during development, due to the scale of construction as well as the site location, it is considered that there is adequate space to accommodate these on the highway and or within the site.*

The development is of a scale which is such that, whilst the construction period would result in some increased parking demand on street that is associated with the construction phase, this would be limited to this period and it would be unreasonable of the LPA to refuse permission on such grounds.

- Noise and disruption during construction

Response: *Although this is a material consideration relating to residential amenity, there is an expectation that there will be such effects as part of the activities associated with construction and such effects would be transient. This would not therefore form a reason for refusal. A note would be added to any subsequent approval reminding the applicant of the appropriate hours of work in line with Environmental Legislation.*

Loss of views has also been included as an objection to the proposal. However, there is no right to a view and as such, this is not a material consideration.

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.

The render should be finished with an off white colour to ensure it fits in with the character of the area.

Conclusion:

This application to erect a two storey side extension and temporary outbuilding, raised decking to the rear, relocation of porch and associated alterations at 19 Nettleton Avenue 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: 2025/91056

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 render shall be finished with an off white colour finish and retained thereafter.

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.

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	PL-01	1086350	01/05/2025
Block plans	PL-03	1086352	01/05/2025
Existing plans	EX-01	1086348	01/05/2025
Proposed plans	PL-02	1086349	01/05/2025
Climate change statement	-	1086358	01/05/2025

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.

As the submitted plans were considered to be acceptable, no changes were sought.

Report Dated 20/06/2025