

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:	2025/62/91146/E
Site Address:	112, Hopton Lane, Upper Hopton, Mirfield, WF14 8JP
Description:	Erection of rear extensions and raising of ridge to form first floor habitable accommodation with associated internal and external works
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: 01-Jul-2025

OFFICER REPORT

Site Description

The site addressed in this application is 112 Hopton Lane, a detached bungalow with a stone finish. The site benefits from an amenity area to the front and rear, a driveway and garage.

The application site has a neighbouring property to the East. The neighbouring property has a detached barn along the shared boundary line that was granted permission to convert it into a living accommodation in the year 2001.

The site is within the Green Belt and a Bat Alert Layer on the KLP.

Description of Proposal

The application seeks planning permission for the construction of a basement level, erection of rear extensions, raising the height of the ridge to form a first-floor habitable accommodation and erection of a rear facing dormer window.

Rear Extensions

The rear extension has a maximum projection of 3.4 metres, extending across a width of 5.6 metres on either side of the dwelling. The central section of the extension projects out by 1.3 metres. The rear extension will include five new fenestrations.

Raising of Ridge to Form First Floor Accommodation

The drawings indicate that the eaves height would be increased from 2.4 metres to 2.9 metres and the ridge of the roof would be increased from 4.6 metres to 6.8 metres.

The first-floor level will include five rooflight windows across the front elevation, four rooflights and one dormer window across the rear elevation and one window opening the east elevation and two window openings on the west elevation.

The dwelling will increase from a three-bedroom house to a four bedroom house.

Formation of Basement Level

The new basement level will measure 20x7.5m and be beneath the host property and rear extension.

Relevant Planning History

Planning Ref: 2025/90098

Location: 112, Hopton Lane, Upper Hopton, Mirfield, WF14 8JP

Proposal: Erection of rear extensions and raising of ridge to form first floor habitable accommodation with associated internal and external works

Decision: RF - REFUSED

Decision Date: 2025-04-07

The reason for refusal were as follows:

1. The development, by virtue of cumulative scale, bulk, and massing, constitutes a disproportionate addition over and above the size of the original building. This would result in inappropriate development in the Green Belt, which is harmful by definition and is not outweighed by very special circumstances. The proposal is contrary to Policy LP57 of the Kirklees Local Plan and policies within Chapter 13 of the National Planning Policy Framework.

2. By virtue of its size, scale and design the development would fail to constitute a subservient addition to the host property and would dominate the existing dwelling. Furthermore the proposal would not harmonise with the open character of the locality introducing a further level of urbanising features. The development would therefore have a detrimental visual impact and be contrary to policies LP24 & LP57 of the Kirklees Local Plan, Principles 1 and 2 of the House Extensions and Alterations SPD and policies contained within Chapter 12 of the National Planning Policy Framework.

The scheme the subject of this resubmission has amended the development proposal in terms of design and scale and sets out what are considered to be very special circumstances which are applicable in this case.

Planning Ref: 2024/92853

Location: 112, Hopton Lane, Upper Hopton, Mirfield, WF14 8JP

App Type: HHPD EXTENSION

Proposal: The proposal is for erection of single storey rear extension. The extension projects 5m beyond the rear wall of the original dwellinghouse. The maximum height of the extension is 3m, the height of the eaves of the extension is 3m

Decision code: NANR

Decision: NANR - NOT REQUIRED

Decision Date: 2024-11-18

Planning Ref: 2024/92883

Location: 112, Hopton Lane, Upper Hopton, Mirfield, WF14 8JP

Proposal: Prior approval for enlargement of dwellinghouse by erection of additional storey

Decision code: NA

Decision: NA - DETAILS APPROVED

Decision Date: 2024-12-04

Planning Ref: 95/90778

Location: 112, HOPTON LANE, HOPTON, MIRFIELD.

Proposal: ERECTION OF EXTENSION TO BUNGALOW

Decision code: FC

Decision: FC - CONDITIONAL FULL PERMISSION

Decision Date: 1995-05-12

Representations

The application was publicised by site notice in accordance with the Council's adopted Development Management Charter. The publicity period expired on the 24th of June 2025. As such, no representations were received.

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 located within the Green Belt on the Kirklees Local Plan.

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
- **LP22** – Parking
- **LP24** – Design
- **LP51** – Protection and improvement of local air quality
- **LP52** – Contaminated and unstable land
- **LP57** – Extension alteration or replacement of existing building

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.

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 13 – Protecting Green Belt land
- Chapter 14 – Meeting the challenge of climate, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

Principle of development:

The application site is located on land allocated as Green Belt on the Kirklees Local Plan. The proposal involves the formation of a basement level, erection of rear extensions, raising the height of the ridge to form a first-floor habitable accommodation and erection of a rear facing dormer window.

The proposal follows the refusal of application 2025/90098 and reflects revisions aimed at reducing scale, improving design, and addressing the previous reasons.

Whilst it is acknowledged that significant works have already been undertaken at the property, including the removal of elements of the original structure, the applicant maintains that a lawful fallback position remains available through existing permitted development rights. The fallback, alongside the broader planning merits of the scheme, form the basis for consideration of Very Special Circumstances (VSCs) to outweigh the harm of the development within the Green Belt.

National policy relating to the Green Belt is detailed within the NPPF, specifically paragraph 153 which states:

‘When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.’

Paragraph 154 of the NPPF sets out that Development in the Green Belt is inappropriate unless exceptions set out in parts a – h of paragraph 154 apply. The potential relevant exemption, in this case, would possibly be the following:

c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

An ‘original building’ is defined in the NPPF glossary as “a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.

Policy LP57 of the Kirklees Local Plan states that extensions will normally be acceptable provided that the host building remains the dominant element both in terms of size and overall appearance. The cumulative impact of previous extensions and other associated buildings will be considered. Proposals to extend buildings which have already been extended should have regard to the scale and character of the original part of the building. Furthermore, the proposal should not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standings, curtilages and enclosures and means of access; and the design and materials used should be sensitive to the character of the Green Belt setting.

Policy LP57 of the KLP and Chapter 13 of the NPPF restrict disproportionate extensions in the Green Belt. While some extensions have prior approval, the basement addition, first-floor extension, and increased height create a substantial cumulative impact.

In 1995, permission was granted for the erection of extensions and subsequently further extensions have been approved through the Larger Homes Extensions prior approval process (detailed in the planning history section of this report) providing a realistic fallback position for additions to be undertaken.

In the consideration of the previous application, the fallback position was acknowledged to be of a size, scale and extent that would be disproportionate to the host property. In the consideration of the previous refusal, this fallback was considered a factor which could not be afforded significant weight in the consideration of the application.

The scheme the subject of the previous refusal has since been revised such that rather than having a lower ground element which is visible above ground level, this would now be a purely subterranean element and the dwelling would be viewed as a two storey dwelling from the rear rather than three storey as the refused scheme had the appearance of previously. The appearance of the proposal would be closer, in design terms to that of the previously consented permitted development schemes and therefore it is considered weight is able to be afforded to those previously consented schemes.

Green Belt Impact and Very Special Circumstances

It is acknowledged that the works undertaken to date, including removal of external walls, raise some questions regarding the precise extent of the lawful original building and whether permitted development rights remain intact.

However, on balance, the following factors are considered to be relevant in the consideration as to whether, in this case, there are Very Special Circumstances to clearly outweigh the harm of the development to the Green Belt:

- Previous consented additions and extensions to the development have been in place and of a similar quantum of development to that of the proposal
- The proposed basement development is wholly subterranean
- The scheme respects the five purposes of Green Belt designation, with no contribution to urban sprawl, settlement coalescence, or encroachment into open countryside being within the extent of established curtilage.
- Conditions removing permitted development rights and which also requires submission of a scheme of finished land levels to ensure the development is subterranean can be included in the event of any permission.

Whether there was a fallback in place following works undertaken was raised with the applicants' agent, who advised they consider the prior approvals to be able to be lawfully undertaken as the extent of built form remaining at the site has clearly diminished, and an element of works undertaken.

However, it was clear large parts of the original built form remained, and on balance it is debatable whether previous works could be undone to enable the prior approvals previously consented to be undertaken lawfully.

The amended scheme is considered to preserve openness to a greater extent than the fallback position (and previous refusal) on the basis it incorporates a truly subterranean element, and a condition to require land levels to be

submitted to and approved in writing prior to the development being brought into use is considered necessary to ensure this would be the case.

In addition, and for clarity in relation to this application, it is considered necessary to remove permitted development rights as a condition. This is to ensure that the weight afforded to the development proposal being to a lesser extent than that of the permitted development is the case given there is potential for further works to be undertaken via these rights.

The amended scheme reduces the extent of visible massing from the rear from the previous refusal, having a similar impact as the previously consented permitted development schemes. In this context, and on the basis of the inclusion of the recommended conditions to ensure this is the case, it is considered there are circumstances present which clearly outweigh the harm of the development in this instance.

In this context and having regard to both the fallback position and the scale and improved design of the current proposal, it is considered that the harm to the Green Belt by reason of inappropriateness is clearly outweighed by other considerations and the revised scheme satisfactorily addresses the previous reason (no.1) for refusal.

The development is therefore considered to be acceptable in principle.

Impact upon visual amenity:

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) whereby 131 provides a principal consideration concerning design which states:

“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

Policy LP24 (Design) of the Council's adopted Local Plan sets out that proposals should promote good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers.

Paragraph 135 of the NPPF is of relevance, in particular the following parts:-

- *‘b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping*
- *c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including*

the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'

In addition, the Council's adopted House Extensions and Alterations Supplementary Planning Document (adopted June 2021) is relevant to the consideration of this application. Specifically, the following policies / sections of the document.

- Key design principle 1 (Local character and street scene) which sets out 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.
- Key design principle 2 (Impact on the original house) which details 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 detail.

LP24 (Design) and the House Extensions SPD requires that extensions should be subservient to the host building. Paragraph 5.31 (Bungalows) sets out that careful consideration should be given to two storey and first floor extensions to bungalows. These can cause a negative impact on the street scene and character of the area through changing the height, rhythm or form of a roof in relation to the rest of the street scene.

The proposed increase in roof height remains below the previously approved fallback position and will not significantly alter the character of the bungalow. The visibility of the basement level was a factor contributing to the refusal of the previous application; however, it is considered that this application addresses the visibility issue and is now deemed acceptable. The scale of the works is not considered to be excessive following the revisions the subject of this application taking account of the open setting and has reduced the level of additional urbanising bulk, form, and massing into the location.

This conclusion is drawn on the basis the subterranean element is below ground level, and that a finished ground levels condition is included as part of any grant of permission to ensure this is the case.

The scale and extent of the built form are considered to be in keeping with the character of the host property. While a permitted development fallback exists to add a further storey and a single-storey rear extension, the development proposal subject to this application is now considered proportionate and subservient. The amendments made address previous concerns, and the development is now deemed acceptable.

The revised proposal, with its bulk and massing, along with the additional extent of built form, is such that, by virtue of its size, scale, and design, the development now constitutes an addition to the host property similar to the extent to that as previously consented through approvals of prior notification applications.

Therefore, having regard to policies LP24, LP57 of the Kirklees Local Plan, Principles 1 and 2 of the House Extensions and Alterations SPD and policies contained within Chapter 12 of the National Planning Policy Framework it is concluded that subject to conditions, the revised scheme has satisfactorily overcome reason no.2 of the previous refusal in this case.

Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained. Principle 16 goes requires that proposals maintain appropriate storage arrangements for waste.

The increase in height would be above the existing ground floor elevations and as previously assessed, the increase in height, rear extensions and basement floor level is not considered to have a significant effect upon the amenities of any nearby properties.

However, the new gable end and window placements would be located in close proximity to the adjacent barn conversion could overlook the barn's windows and amenity space.

Notwithstanding this point, it is considered that these openings could be obscure glazed and ensured to be non openable by the inclusion of an appropriately worded condition. On the basis of the inclusion of such a condition, the impact of the development upon the residential amenity of neighbouring occupiers is not considered to be of such significance as to warrant a reason for refusal in this case.

The proposal would retain adequate amenity / waste storage areas.

Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Principles 12 and 19 of the Housebuilders design guide which seek to ensure acceptable levels of off street parking, adequate waste storage facilities are provided, are also considered to be of relevance.

The proposal shows an increase in bedrooms from three to four. The site currently benefits from existing in curtilage parking and turning space located in front of the building. This arrangement is anticipated to remain unchanged

by the proposed extension. Therefore, it is concluded that the development would not adversely impact highway safety.

Other matters:

Carbon Budget

The proposal is a 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 a Bat alert layer on the Councils GIS mapping system. Due to the scale of the application, a note will be added to the application notifying the applicant, should permission be granted.

As such the application is considered to comply with guidance within Policy LP 30 of the KLP and Chapter 15 of the NPPF.

Representations:

The application was advertised by site notice, which expired on the 24th of June 2025. As a result of publicity no representations were received.

Negotiations:

N/A

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, the proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2025/91146

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 and Alterations SPD and the aims of the National Planning Policy Framework.

3. The external facing and roofing materials of the development hereby approved shall in all respects match those used in the construction of the existing building. The external materials used in the construction of the dormer to rear shall be of a colour finish to match that of the roof. The materials of construction and colour finish approved by this condition shall be thereafter retained.

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 and Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

4. The windows along the east elevation shall be obscure glazed or fitted with an obscure film to ensure a minimum of level 3 obscurity and shall be non-openable. These measures shall be implemented prior to the first occupation of the development and retained thereafter.

Reason: To protect the privacy of neighbouring properties and to prevent overlooking, ensuring that the development does not adversely affect the residential amenity of adjacent occupiers, in accordance with policy LP24 of the Kirklees Local Plan and principle 6 of the House Extensions and Alterations SPD.

5. The development shall not be brought into use until a scheme of finished ground levels has been submitted to, and approved in writing by, the Local Planning Authority. The submitted scheme shall detail the finished ground levels surrounding the dwelling to ensure the subterranean level is below ground level. The submitted scheme shall detail corresponding existing and finished ground levels and of surface and land drainage associated with any works. The development shall not be brought into use until the approved scheme has been completed and which shall be retained thereafter.

Reason: To ensure the development has an acceptable visual appearance to accords with the circumstances that constitute part of the very special circumstances to outweigh the harm of the development within the Green Belt to accord with policy LP24 of the Kirklees Local Plan and policies within Chapters 12 and 13 of the National Planning Policy Framework.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Class(es) A, AA, B and E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: To ensure the development has an acceptable visual appearance to accords with the circumstances that constitute part of the very special circumstances to outweigh the harm of the development within the Green Belt to accord with policy LP24 of the Kirklees Local Plan and policies within Chapters 12 and 13 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Date Received
Location Plan	(EX)002 LOCATION PLAN A4	24-Apr-2025
Block Plan	(20)003 BLOCK PLAN A3	24-Apr-2025
Site Sections	(70)001 SITE SECTIONS A2	24-Apr-2025
Existing Elevations Floor Plans	(EX)001 EXISTING GA A1	24-Apr-2025
Proposed Elevations and Floor Plans	(20)001 PROPOSED GA A1	24-Apr-2025
Supporting Information	Green Belt Statement	24-Apr-2025
Supporting Information	Climate Change Statement 112HL	24-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 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.

Report Dated: 30/06/2025

Low Risk Coal

