

**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:	<b>2025/62/91505/E</b>
Site Address:	17, Shillbank Lane, Mirfield, WF14 0QA
Description:	Erection of front porch with roof lift to form rear dormer 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: 31-Jul-2025**

## **OFFICER REPORT**

### **Site Description**

17 Shillbank Lane is a brick built; semi-detached dwelling elevated from the level of the road. The property has a garden to the front and an enclosed garden to the rear.

The property is located on a residential street with properties of a similar age, backing onto an open field.

### **Description of Proposal**

The applicant is seeking permission for the erection of a front porch with roof lift to form gable roof extension in the rear roof plane and associated alterations.

The porch would project 50cm and would have a width of 4.5m with a hipped roof form.

The eaves of the dwelling would be increased from 5.1m to 5.5m and the overall height would be increased from 7.8m to 8.2m. The dormer would have a width of 4.9m and a height of 2.1m with horizontal cladding in dark grey.

The walls would be constructed using brick with tiles for the roof covering.

### **Relevant Planning History**

2024/90762 – larger home notification for 4m rear extension – agreed

2024/93473 – erection of first floor rear extension with roof lift to form rear dormer, front porch and associated alterations – refused for the following reasons:

*1. The proposed rear extension, raising of the roof and the rear dormer, by reason of the design, scale and roof designs, would result in the formation of an incongruous feature which would be out of character with the host property and the wider area. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extensions & Alterations SPD and advice within Chapter 12 of the National Planning Policy Framework.*

*2. The proposed extension by reason of the height and projection on the boundary with the adjoining dwelling would result in an overbearing and oppressive impact together with overshadowing in the morning of the rear amenity space and windows on the neighbouring 15 Shillbank Lane to the detriment of the amenity of the occupants. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan,*

*KDP5 & KDP6 of the House Extensions & Alterations SPD and advice within Chapter 12 of the National Planning Policy Framework.*

2023/92745 – erection of first floor rear extension with roof lift to form rear dormer, front porch and associated alterations – refused for the following reasons:

*1. The proposed rear extension, due to the scale and roof design, would result in the formation of an incongruous feature which would be out of character with the host property and the wider area. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extensions & Alterations SPD and advice within Chapter 12 of the National Planning Policy Framework.*

*2. The proposed extension by reason of the height and projection on the boundary with the adjoining dwelling would result in an overbearing and oppressive impact together with overshadowing in the morning of the rear amenity space and windows on the neighbouring 15 Shillbank Lane. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP5 & KDP6 of the House Extensions & Alterations SPD and advice within Chapter 12 of the National Planning Policy Framework.*

## **Representations**

The application was advertised by site notice, which expired on 04/07/2025

As a result of the above publicity, no representations have been 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 27<sup>th</sup> February 2019).

The site is UNALLOCATED on the Kirklees Local Plan Proposals Map

On 12<sup>th</sup> 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 29<sup>th</sup> 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 6<sup>th</sup> 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.

Planning permission was refused in 2023 and 2024 for extensions to the rear of the property. The current proposals differ with roof alterations and a single storey rear extension. The proposals will be considered below.

### 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 on to 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 two distinct elements which shall be addressed below.

#### *Front porch*

Planning permission was refused in 2023 for extensions to the rear of the property. The current proposals differ with the alteration to the design and the use of a dormer and roof extensions. The proposals will be considered below.

Paragraph 5.13 of the House Extensions and Alterations SPD relates to front extensions and details that as front extensions are highly prominent in the street scene and can erode the character of the area if they are not carefully designed, large extensions (single and two-storey) and conservatories on the front of an existing house will not normally be acceptable and are considered likely to appear particularly intrusive.

The proposed porch is modest in terms of its size and would be constructed using matching materials. The front extension is therefore considered to be acceptable in terms of visual amenity.

#### *Roof Alterations / Dormer.*

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.”

The increase in height and provision of gable extension is the rear roof plane would add a modern and contemporary addition to the dwelling. The development is to the rear with limited views in the wider area. The design does form a coherent relationship with the main house and the increase in height would not be out of character with the wider area.

The previous refusals were for developments of a greater scale, in this case the rear dormer is set down from the ridge of the dwelling where previously they have been proposed to tie in to the ridge level. In addition there is no rear element and the extent of the rear dormer is within the confines of the rear roof slope.

It is considered that the extent of the proposal the subject of this application has been scaled down from that of the previous refusals such that the reasons for those refusals have been overcome by the scheme the subject of this application.

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.

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

#### *Impact on 15 Shillbank Lane*

Given the limited scale of the porch, there would be no overlooking, overshadowing or overbearing on the amenities of the occupiers of the adjoining dwelling.

The increase in height and gable extension in the rear roof plane would have no impact on the adjoining dwelling in terms of overshadowing, overlooking or overbearing given the development is within the footprint of the existing house.

With regards to the impact on the adjoining 15 Shillbank 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 19 Shillbank Avenue*

Given the limited scale of the porch, there would be no overlooking, overshadowing or overbearing on the amenities of the occupiers of the adjacent dwelling.

The increase in height and gable extension in the rear roof plane would have no impact on the adjacent dwelling in terms of overshadowing, overlooking or overbearing given the development is within the footprint of the existing house.

With regards to the impact on the adjacent 19 Shillbank 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.

Previous refusals have included a reason for refusal relating to impact upon the amenity of neighbouring occupiers by forming an overbearing and oppressive impact together with overshadowing in the morning of the rear amenity space and windows. The revised scheme has removed any element which projects beyond the rear of the host property and as such this previous reason has been overcome by the reduced scale of the development.

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:

*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 porch to the front with roof alterations including an increase in height and a gable extension in the rear roof plane at 17 Shillbank 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:** 2025/91505

**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 and be 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: -

<b>Plan Type</b>	<b>Reference</b>	<b>Web ID</b>	<b>Date Received</b>
Location plan	(EX)002	1090922	05/06/2025
Block plan	(20)002	1090921	05/06/2025
Existing plans	(EX)001	1090924	05/06/2025
Proposed plans	(20)001	1090926	05/06/2025
Proposed elevations	(20)003	1090925	05/06/2025
Climate change statement	-	1091108	05/06/2025
Supporting statement	-	1090920	05/06/2025

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