
Report of the Head of Planning and Development

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 17-Mar-2022

**Subject: Planning Application 2021/92601 Erection of single storey extension
22, Northorpe Lane, Mirfield, WF14 0QJ**

APPLICANT

E Clark

DATE VALID

25-Jun-2021

TARGET DATE

20-Aug-2021

EXTENSION EXPIRY DATE

27-Aug-2021

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

[Link to Public speaking at committee](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Mirfield

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

- 1.1 This application was presented to Heavy Woollen Planning Sub-Committee on 3rd February 2022 at the request of Cllr Lees-Hamilton for the reasons outlined below.
- 1.2 *"I would still like this application to go to committee. The side extension is still overbearing on the neighbouring property, and I have doubts about the weight bearing capacity of the boundary wall."*
- 1.3 The Chair of the Sub-Committee had confirmed that Cllr Lees-Hamilton reasons for the referral to the committee valid having regard to the Councillor's Protocol for Planning Committees.
- 1.4 Members discussed the application at the Heavy Woollen Planning Sub-Committee held on 3 February 2022 and resolved to defer the application for a site visit to enable further consideration.

2.0 SITE AND SURROUNDINGS:

- 2.1 22 Northorpe Lane, Mirfield is a brick built, semi-detached property with a garden and drive to the front, garage attached to the side and a larger enclosed garden to the rear.
- 2.2 Northorpe Lane is a residential street with properties of varying ages, styles and palettes of material.

3.0 PROPOSAL:

- 3.1 The applicant is seeking planning permission for a single storey side and rear extension.
- 3.2 The side extension would project 2.85m from the original side wall of the property and would extend the depth of the dwelling with a hipped roof form. The rear extension would project 2m from the original rear wall of the dwelling and would extend across the width of the property including to the rear of the proposed side extension with a lean to roof form.

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

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 None

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

5.1 The size of the side extension has been reduced twice during the course of the application. Initially setting the two storey side extension back from the front with a corresponding set down. However, this first amendment was not considered to be sufficient to overcome officers' concerns. Further reductions from a two storey structure to a single storey side extension were subsequently submitted and are considered to address officers' concerns.

6.0 PLANNING POLICY:

6.1 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).

Kirklees Local Plan (2019):

6.2 LP 01 – Achieving sustainable development
LP 02 – Place shaping
LP 22 – Parking
LP 24 – Design

Supplementary Planning Guidance / Documents:

6.3 House Extension Supplementary Planning Document 2021

6.4 Mirfield Design Guide 2002

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 at this time. Further details on the progress of neighbourhood development plans in the district can be found at:

[Link to Neighbourhood Development Plan](#)

National Planning Guidance:

6.5 Chapter 12 – Achieving well-designed places

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was advertised by neighbour notification letter which expired on 19/08/2021.

7.2 As a result of the above publicity, one representation was received.

7.3 The material considerations raised are summarised as follows:-

- Overshadowing the adjacent property.
- Overbearing impact on the adjacent property.

7.4 Further publicity was undertaken following receipt of amendments and expired on 26/11/2021.

7.5 As a result of the second publicity period one representation was received.

7.6 The issues raised relate solely to the rear corner of the extension with concerns raised that this would cause overshadowing and an overbearing impact on the neighbour's kitchen window.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

None

8.2 Non-statutory:

None

9.0 MAIN ISSUES

- Principle of development
- Visual amenity
- Residential amenity
- Highway issues
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

10.1 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 Extension 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.

Visual Amenity

- 10.2 The host property is located on a residential street with properties of varying ages, styles and palette of materials. Dependent upon design, scale and detailing, it may be acceptable to extend the host property. The proposal under consideration consists of two distinct elements which shall be addressed below.
- 10.3 Key Design Principle 1 of the House Extension & Alteration supplementary planning document (SPD) states 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 HESPD 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.
- 10.4 *Single storey side extension:* The side extension would fill the area to the side of the dwelling, replacing the existing garage. The extension would, by reason of its scale, form a subservient relationship with the host property. Given the mix of styles on the street, the extension would not appear out of character with the area. Furthermore, the use of brick for the walling with tiles for the roof covering would match the materials used in the construction of the host property. The side extension is therefore considered to be acceptable in terms of visual amenity.
- 10.5 *Single storey rear extension:* The host property is set within grounds which are sufficient in size to support the proposed extensions, whilst retaining a reasonable amenity space. The projection of the extension is limited and single storey in nature.
- 10.6 Having taken the above into account, the proposed extensions 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 Extension and Alterations Supplementary Design Guide and the aims of chapter 12 of the National Planning Policy Framework.

Residential Amenity

- 10.7 Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light & Key Design Principle 6 on preventing an overbearing impact.
- 10.8 There are no properties to the rear which could be affected by the works proposed.

- 10.9 *Impact on 20 Northorpe Lane:* The host property is a two storey dwelling which occupies a position closer to the road than the adjacent bungalow. The single storey side extension would align with the drive area, car port and flat roofed element of the neighbouring property. There is a window in the side elevation which had been identified as serving a kitchen and therefore non habitable. Subsequently, it has been clarified that the window serves a kitchen diner which would be considered to be habitable, the implications of which require further assessment. The proposed extension would extend beyond the rear of the host property by 2 metres, which would not, in the opinion of officers, result in any significant overbearing or overshadowing impact upon the amenity of the occupiers of no.20 Northorpe Lane as the extension would not be constructed in front of this window given the angled relationship which would be formed. There are currently no windows proposed in the side elevation and a condition can be included if permission is granted removing permitted development for openings in this side elevation. There are no concerns in terms of overlooking.
- 10.10 *Impact on 24 Northorpe Lane:* The rear extension would be built along the shared boundary with the adjoining dwelling. However, the projection is limited to 2 metres and would be single storey in height. Furthermore, the adjoining property has a single storey rear extension which projects approx. 3.3m. As such, the rear extension proposed would have no significant impact on the amenity of the occupiers of the adjoining 24 Northorpe Lane.
- 10.11 *Impact on 19 Northorpe Lane:* The road itself separates the host property from the neighbouring dwelling opposite. Furthermore, the side extension would not reduce the space between the properties. Given this, the proposed side extension would have no significant effect upon the amenity of the occupiers of the neighbouring 19 Northorpe Lane.
- 10.12 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 of the House Extension SPD and Paragraph 130 (f) of the National Planning Policy Framework.

Highway issues

- 10.13 The proposals would result in some intensification of the domestic use. However, the parking area to the front of the property which together with the garage proposed would be considered to represent a sufficient provision for two off street parking spaces. There is also space within the curtilage for bin storage. As such, the scheme would not represent any additional harm in terms of highway safety and complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extension SPD.

Representations

- 10.14 The material considerations raised in the one objection received are summarised as: -
- Overbearing impact on the adjacent dwelling.
 - Oppressive impact on the adjacent dwelling.

- 10.15 These issues are material considerations and have been addressed in the residential amenity section and the highways section of this report.
- 10.16 Although other matters have been raised by the Ward councillor, such as the boundary and the impact on the walling, these are not material planning considerations which can be taking into account as part of the planning application process.

Other Matters

- 10.17 *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.
- 10.18 *Fall-back position:* The extension directly to the side of the original house and the rear extension directly to the rear of the original house could both be constructed under permitted development as they fall within the relevant criteria and the property has permitted development rights. The rear corner of the extension which would link the side and the rear extensions does however require planning permission. The corner would have a width of 2.4m and a projection beyond the level of the rear elevation of the original house would be 2m.
- 10.19 There are no other matters with respect to this application.

11.0 CONCLUSION

- 11.1 The side and rear extension have been considered with regards to the relevant policies relating to visual and residential amenity and are considered to be acceptable.
- 11.2 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.
- 11.3 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.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)

1. Time scale for implementing permission
2. Development to be carried out in accordance with the approved details
3. Matching materials
4. Removal of permitted development rights for openings in the side elevation along the shared boundary with 20 Northorpe Lane.

Background Papers:

Application and history files:

Current application web link -

[Link to planning application](#)

Certificate of Ownership –Certificate A signed.