

**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: 2019/62/92531/E

Site Address: 992, Bradford Road, East Bierley, Birkenshaw, BD4 6PB

Description: Erection of single storey side and rear extension

Recommending Officer: Josh Kwok

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.

Julia Steadman

AUTHORISED OFFICER

Date: 08-Jan-2020

Officer Report

Site Description

The application site is no.992 Bradford Road, Birkenshaw. It consists of a two storey stone built semi-detached property, a lawn and turning head to the front, a driveway and garage to the side and a garden to the rear. The boundary treatment comprises close board fences, hedges and shrubs.

The site and its immediate surroundings are purely residential characterised by detached bungalows, two semi-detached and terraced properties constructed. They are constructed in different design and materials. Abutting the south-western boundary of the site is Bradford Road, which is a classified A road situated at a considerably lower land level.

Description of Proposal

The development proposal is for the demolition of a detached single garage as well as for the erection of a single storey side and rear extension and associated works. The details of the proposal are outlined as follows:

- The existing detached single garage to be demolished and replaced by a single storey side and rear extension.
- The extension would be 9.3m wide, 9.0m deep and 3.7m high
- Facing and roofing materials to be matching artstone and tiles
- Roof alterations to the existing carport

History of negotiations/amendments received

The applicant was requested to submit landownership certificate B and to serve Notice to the relevant landowner as the development proposal would appear to attach to the boundary wall of an adjoining residential property. The requested information has been received on 05-Oct-2019. Further to this, an amended drawing has been received on 07-Jan-2019.

Relevant Planning History

No record of any similar applications found at the site and its immediate surroundings. It was noted though that single storey extensions have been erected to the rear of no.990 Bradford Road.

Representations

This application was advertised by site notices and neighbour letters, which expired on 15-Nov-2019. As a result of the above publicity, no representations have been received from the occupants of the neighbouring residential properties.

Consultation Responses

Health and Safety Executive – Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

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.

Kirklees Local Plan (KLP):

- **LP 01** – Achieving sustainable development
- **LP 02** – Place shaping
- **LP 21** – Highway safety and access
- **LP 22** – Parking
- **LP 24** – Design

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19th February 2019, 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 2** – Achieving sustainable development
- **Chapter 12** – Achieving well-designed places
- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) Conclusion

1 – Principle of development:

Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is the focus of policy LP1 of the Kirklees Local Plan. This policy stipulates that proposals that accord with policies in the Kirklees Local Plan will be approved without delay, unless material considerations indicate otherwise. Policy LP24 of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development in the surrounding area as well as to protect the amenity of the future and neighbouring occupiers, to promote highway safety and sustainability. These considerations, along with others, are addressed in the following sections in this report.

2 – Impact on visual amenity:

Planning permission is sought to demolish the existing detached garage and to erect a single storey side and rear extension and associated work. It is acknowledged that the proposed extension would have a relatively large footprint compared to the host property. However, given the property in question is situated within a large plot with a reasonable amount of amenity space to the rear and that it does have all its permitted development right intact, officers consider in this instance that the scale of development as proposed can be on balance supported with regard to policy LP24 of the KLP. The fact that the extension under consideration would partly replace the existing garage would mitigate the visual impact on the host property as well. To avoid overdevelopment of the site in the future, however, a condition would need to be imposed to withdraw permitted development rights for the erection of extensions and outbuildings within the curtilage of the property concerned.

The proposed development would be constructed in matching artstone and tiles. These materials would give the extension a sympathetic appearance, which would minimise the visual impact on the application property and its immediate surroundings. The extension would comprise a mix of mono-pitched roof and dual pitched roof with several roof lights above. The visual impact is not significant enough to warrant refusal of this application while considering a number of site specific mitigating factors including the siting of the extension as well as the quality of the boundary treatment. The proposal would be set back from the front elevation of the host dwelling, and therefore the impact on the street scene would be minimal. The proposed roof alterations to carport would have no effect on visual amenity.

In summary, it is considered that the proposed development would be of a satisfactory quality in terms of scale, design and materials. It would not significantly affect the appearance of the host property nor would it detract from the character of its immediate surroundings. Subject to the recommended condition, the proposal under consideration would not overdevelop the application site. For all the reasons set out above, the proposal would be acceptable from a visual amenity perspective and consistent with the aims of policy LP24 of the KLP and chapter 12 of the NPPF.

3 – Impact on residential amenity:

Given the close relationship between the proposed development and the neighbouring residential property at no.990 Bradford Road, there is likely to be an impact on the living condition of its occupiers. The impact on these neighbours are considered in the following:

No.990 Bradford Road is a two storey detached property with a carport, a driveway and a detached garage immediately adjacent to the shared boundary. It appears to have a single storey extension to the rear as well. Whilst the close relationship between the proposed extension and this neighbouring property is acknowledged, officers do not consider the residential amenity impact unduly detrimental in this instance. The impact of the proposed development would be limited to the driveway of this property. There would be no effect on the windows and the garden of these neighbouring occupiers.

This property has already has a single storey rear extension attached to a garage with a total depth of approximately 8.2m, comparable to the depth of the extension under consideration. The impact arising from this extension would therefore be acceptable in this regard. Furthermore, given the lack of openings in the side elevation of the proposed extension, no privacy issues are anticipated. To conclude, the proposed development would not unduly compromise the living conditions of these neighbours nor would it conflict with the aims of policy LP24 of the KLP in respect of preserving the amenity of the future and neighbouring occupiers.

The proposed development may be visible from the neighbouring properties at no.994 Bradford Road and no.2 Westgate Hill Street. However, given a reasonable separation distance is to be retained between the proposed extension and these neighbouring properties, the impact on the residential amenity of these neighbours is likely to be very limited.

No other residential properties in the vicinity of the application site would be adversely affect by the proposal in question.

In all, the development proposal would be satisfactory in terms of residential amenity and in conformity with policy LP24 of the KLP.

4 – Impact on highway safety:

The proposed development would not intensify the residential use of the application property but it would affect the parking arrangement of the site by demolishing the existing garage. Admittedly the replacement garage as shown on the proposed floor plan is substandard and it is unlikely that it can be suitable for accommodating a vehicle. Nevertheless, the proposed site plan indicates that a hardstanding area would be created to the front of the site for parking. Taking this into account, there would be three off street parking spaces available to the existing and future occupants complying with

policy LP22 of the KLP and the highway design guide SPD. In the interest of highway safety, a condition would be inserted to the decision notice to require the area shown to be used for parking on the proposed site plan be appropriately surfaced and drained in accordance with the relevant guidelines of the Environment Agency.

The proposed extension would not cause a material increase in traffic generation that would prejudice highway safety. There would be an internal turning area available to the occupants of this property. Hence, no disruption to the flow of traffic would arise as a consequence of the proposed development. In short, the proposal could be supported from highway safety and efficiency perspectives, in line with policy LP21 of the KLP.

5 – Other matters:

Health and safety

Since the application site is situated within the outer zone of a High Pressure gas pipeline, consultation has been undertaken with the Health and Safety Executive to establish the risk posed by the development under consideration. The HSE confirm that they have no objection to the proposed development.

Procedural matter

The amended drawing received on 07-Jan-2020 was not subject to further publicity as the amendments shown were small in scale. No representations were received from the occupants of the neighbouring residential properties following the statutory publicity. As such, officers do not find it necessary to undertake further publicity on this particular occasion.

There are no other matters considered relevant to the determination of this application.

6 – Representations:

No representations received as a result of the statutory publicity.

7 – 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 that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2019/92531

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 Policies LP21 and LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The external walls and roofing materials of the extensions hereby approved shall in all respects match those used in the construction of the existing building at the application site.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

4. The extension hereby approved shall not be brought into use until all area shown to be used for parking in the proposed site plan (no.SR-2231-1B) has been laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance; 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) this shall be so retained, free of obstructions and available for parking thereafter.

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for parking and to ensure that any hard standing area within the site is appropriately drained in accordance Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order (with or without modification)) no buildings or extensions other than those expressly authorised by this permission shall be erected within the red line boundary of the application site shown on the approved plans at any time.

Reason: In the interest of visual amenity and so as to avoid overdevelopment of the application site in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

NOTE: Please note that the granting of planning permission does not overrule private legal rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works as construction and maintenance or parking of vehicles may involve access to land outside your ownership or subject to private rights of way.

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	Version	Date Received
Location plan			22-Aug-2019
Elevations and plans as existing and proposed	SR-2231-1	B	07-Jan-2020

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 2015 and otherwise actively engaged with the applicant in dealing with the application. In this instance, the agent was requested to submit an amended drawing so as to ensure that the proposed elevations and floor plans corresponded. This drawing was received on 07-Jan-2020. Due to the nature of the amended plan, it was not considered necessary to re-advertise. No further amendments have been sought thereafter.

Report Dated: 07-Jan-2020