

**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: 2019/62/92636/E

Site Address: 940, Bradford Road, Birstall, Batley, WF17 9PE

Description: Erection of two storey and single storey extension with balcony and formation of driveway

Recommending Officer: Katie Wilson

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 27-Jan-2020

Officer Report

Site Description

The application site is 940, Bradford Road, Birstall. It is a 2-storey detached house, thought to date from the 1930's. It has a single storey extension at the rear and a two storey extension to the western side together with conservatory at the front. The front elevation is surfaced in natural stone whilst the remaining sides are in red brickwork. There is also a garden area at the front with lawn at lower level and retaining wall approximately 1.0m high to Bradford Road boundary.

It fronts onto Bradford Road, although vehicular access is taken from College Street and the surrounding area is residential in nature.

Description of Proposal

Planning permission is sought for erection of two storey and single storey extensions with balcony and formation of driveway.

- Rectangular footprint projecting 3.7m at ground floor level x 5.7m wide, and at first floor level projecting 2.6m x 2.9m wide.
- The single storey element is designed with a flat roof for use as a raised patio approximately 2.8m high. The 2-storey element is designed with a ridged roof, hipped at the front, with eaves in line with the existing and ridge set down around 1.0m.
- The raised patio would have a glazed balcony around the perimeter to front and western side around 1.0m high, whilst to the eastern side would be 1.8m high and obscurely glazed.
- It would have windows to the front elevation at ground and first floor level, with first floor patio doors (giving access to raised patio) and small window at ground floor level to west facing elevation and a door at ground floor level in the east facing elevation.
- It would be the full width of the existing extension and just under half the width of the front of the original part of the house.
- All the external materials would be to match the existing.
- It would provide space for enlarged bedroom, enlarged hallway, a shower and staircase down to cellar at ground floor level, and enlargement to bedroom 3 at first floor level.

Outside there would be new vehicular access from Bradford Road and formation of three parking spaces together with turning area.

History of negotiations/amendments received

Amendments were secured to restrict overlooking from raised patio and improve highway safety.

Relevant Planning History

89/00515 – erection of extension. Granted conditional full permission.
<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=89%2F00515>

Representations

Final publicity date expired: 18th September 2019. No representations received during the course of this application.

Parish/Town Council comments: Not applicable

Consultation Responses

K C Highways DM: Informal consultation – no objections subject to conditions.

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 without notation on the Kirklees Local Plan, although on land adjacent to the boundary with Birstall Conservation Area.

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP21** – Highway safety
- **LP22** – 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 12 – Achieving well-designed places

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 pre-dates 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.

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity (including any heritage considerations)
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters – e.g. trees/ecology (e.g. bats)
- 6) Representations
- 7) Conclusion

1 – 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. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

In this case, the principle of extending the existing dwelling is considered acceptable and shall be assessed against other material planning considerations below.

2 –Impact on visual amenity:

Chapter 12 of the NPPF sets out that decisions should ensure that, amongst other things, developments are sympathetic to local character, including the surrounding built environment. Policy LP24 of the KLP expands on this further, setting out that good design should be at the core of all proposals in the district. With regard to extensions, it sets out that proposals should promote good design by ensuring ‘extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details.

In this instance the original part of the house is a 2-storeys and faces onto Bradford Road, albeit that it is significantly set back from the road side and vehicular access is taken from College Street at the rear.

In terms of scale, the house already has a single storey extension at the back and a 2-storey extension at the side designed with cat-slide roof (planning ref: 89/00515). The proposed extension would be at the front of the house and partly replace a conservatory. Whilst it would add massing at ground floor

level, it would only cover around half of the original front elevation and the first floor element is smaller, with matching roof design, so its overall height is well below that of the host dwellinghouse. As such on balance, it is considered that the extensions are subservient to the original building.

The design of the proposed extension is also considered to be in keeping with the existing building as it would have a sympathetic roof design and matching external materials. This would also blend in with the character of the area where there are a mixture of housing types and designs together with some commercial buildings.

In all it is thought that the proposal would promote good design and is compliant with policy LP24 of the KLP.

3 – Impact on residential amenity:

Policy LP24 also states that proposals should seek to minimise impact on residential amenity of future and neighbouring occupiers’

In this instance, there would be three households potentially affected by the proposals; these are addressed below:

938d, Bradford Road – This is a newly built 2-storey end terraced house. It is located to the south of the house at the application site, with a distance of around 10.5m between front elevations, but indirect relationship between windows. It is also noted that a first floor front elevation window at this neighbouring property has been intentionally left blank.

With regards to overlooking, whilst windows in the front elevation of the proposed extension would be closer to this neighbouring property, there would also be a greater degree of indirect relationship between windows or from the raised balcony, and there would be some screening impact from the part of the balcony that is obscurely glazed. The alternative window at first floor level in the gable end of 938d, Bradford Road, would look directly over the proposed driveway / parking area and only at an obtuse angle to the front elevation of the house at the application site, which is considered not significantly different from the present circumstances at the site.

In terms of overbearing or overshadowing impact, given that there would be a distance of around 9.5m between the nearest parts and that the proposed extension is to the north and below the height of the original part of the dwelling, it is thought that this type of impact would be relatively limited.

938c, Bradford Road – This 2-storey terraced house is attached to the eastern side of the 938d, Bradford Road and so further away, so there would be less overbearing, overshadowing or overlooking impact.

11, Whewell Street – This is also a newly built 2-storey terraced house located to the south east of the application site. Its rear elevation faces directly onto the side elevation of the dwelling at the application site.

In terms of overlooking, in this instance there would be no openings in the facing side elevation of the proposed extension at first floor level and the balcony to raised patio is increased in height to approximately 1.8m and would be obscurely glazed.

Provided new openings are controlled by condition, then it is considered that there would be no significant invasion of privacy.

942, Bradford Road – This 2-storey detached building is located to the north west of the application site and a ground floor window and raised balcony have potential to form an overlooking impact on the tarmacked forecourt / parking area to the front of this building. However, as its use is commercial (currently interior design company) it is considered that there would be no adverse impact upon this neighbouring property.

The neighbouring house at 7, College Street is on the opposite side of the house at the application site to the proposed extension and as such there would be no adverse impact upon it.

No other properties would be affected by the proposal.

4 – Impact on highway safety:

The application site is currently accessed from College Street, a residential road at the back of the house, where there is one off street parking area and a single garage attached to the side of the house.

The current proposal would lose the integral garage, but retain the off street space in front suitable for a small vehicle and is shown to be used as a bin storage area. At the front of the property would be a new vehicular access onto Bradford Road, with much of the front garden used as driveway, parking and turning space, so that cars to enter and leave the site in a forward gear. New development to the front of the house would require planning permission and as such would control obstruction of the parking and turning area.

During the course of the application, the Council's Highways Development management team was consulted. They suggested 3 parking spaces to cater for the parking requirements of the enlarged house, a maximum gradient of 1:8, internal turning area, waste collection point (separate from the turning and parking areas). All these details are shown on amended drawing no. 002-A1 rev B.

Footnotes relating to the surfacing of the parking and turning space, and Section 84 agreement for new dropped kerb onto the certified highway were also recommended and should be applied.

Subject to the above, the proposal would be compliant with policies LP21, and LP22 of the KLP.

5 – 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.

Protected species (bats):

The site is in an area recorded as being located within a bat alert area as identified by the Council's mapping system.

Bats are protected species and the NPPF requires planning authorities to take account of priority species within planning policies.

An assessment in relation to the condition of the building has been carried out and as a result no survey is required, however a precautionary footnote shall be added to the decision notice in order to comply with the aims of chapter 15 of the NPPF.

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

6 – Representations:

No representations received during the course of this application.

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: 2019/92636

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 Policy LP24 of the Kirklees Local Plan.

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.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan.

4. The privacy screen to the eastern side of the balcony hereby approved shall be obscurely glazed to a height of 1.8m above finished floor level as shown on drawing no. 002 – A1 Rev B. The privacy screen shall be installed prior to the balcony being first brought into use and thereafter retained.

Reason: To protect the amenity of occupiers of adjacent properties, in accordance with Policy LP 24 of the Kirklees Local Plan.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

NOTE: It is the applicant's responsibility to find out whether the work approved by this planning permission requires written approval from the Highways Structures section for works near or abutting highways and any retaining structures. Contact Highways Structures section on tel: 01484 225616 who can advise further on this matter.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the

Council as Highway Authority is required. You are required to consult the Design Engineer, (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: The approved vehicle parking areas need be surfaced and drained 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 superseded.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	Dwg no. 001 – A4		19.8.2019
Plans and elevations as existing and as proposed	Dwg no. 002 – A1 rev B	B	30.12.2019

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. Amendments were secured to restrict overlooking from the raised patio and improve highway safety.

Report Dated: 24.1.2020