

**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: 2021/62/90610/W

Site Address: 35, Bent Lea, Bradley, Huddersfield, HD2 1QW

Description: Erection of single storey extension to rear, addition of first floor accommodation within raised roof space and alterations

Recommending Officer: Ellie Worth

DECISION – Refused

I hereby authorise the refusal of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Neil Bearcroft

AUTHORISED OFFICER

Date: 16-Apr-2021

Officer report

Site description

35 Bent Lea, Bradley is a detached stone bungalow with a tiled roof. The property benefits from a small, grassed area, driveway and a single storey garage to the front, alongside amenity space to the side and rear. Pedestrian and vehicular access can be taken from the site onto Bent Lea, an adopted access road. Boundary treatment consists of timber fencing and hedging. There are also changes in land levels within the site, due to the topography of the area.

The site is situated within a wider residential estate, whereby the neighbouring properties vary in design and form. Nonetheless, the common construction material is stone. The site is also unallocated on the Kirklees Local Plan.

Description of proposal

The applicant is seeking permission for the erection of a single storey rear extension, raising the height of the roof to create first floor accommodation and alterations.

The increase in roof height would result in the eaves being 4m; along with an overall height of 6.7m. The rear extension would have a projection of 2m x width of 6.1m x height of 5.3m. This will be designed with a dual pitched roof. The proposed construction materials would be stone and render.

Alongside the above, a raised terrace has also been proposed to the rear of the site.

History of negotiations/amendments received

The submitted plans have raised significant design concerns and therefore the works would have a detrimental impact upon visual amenity. Although the Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 encourages negotiation/engagement between Local Planning Authorities and agents/applicants, this is only within the scope of the application under consideration. In this case, the concerns were substantial and therefore no amended plans have been sought.

Relevant Planning History

At the application site:

2020/93745 Certificate of lawfulness for proposed erection of rear extension, front dormer and raise roof height – Refused

Neighbouring properties

2017/90686 Erection of single storey rear extension – Granted (33 Bent Lea)

2005/92396 Erection of two storey extension – Granted (33 Bent Lea)

2016/92850 Erection of petrol station and associated works – Granted (Pennine Service Station)

2019/92233 Erection of petrol filling station, including new shop building, canopy, jet-wash and below ground storage tanks – Granted (Pennine Service Station)

2020/90441 Discharge conditions 3, 6, 7, 18 on previous permission 2019/92233 for erection of petrol filling station, including new shop building, canopy, jet-wash and below ground storage tanks – Approved (Pennine Service Station)

2021/91110 Advertisement Consent for internally illuminated canopy fascia signs and freestanding forecourt sign – Pending consideration (Pennine Service Station)

2021/91308 Non-material amendment to previous permission 2019/92233 for erection of petrol filling station, including new shop building, canopy, jet-wash and below ground storage tanks – Pending consideration (Pennine Service Station)

2021/91363 Discharge conditions 4, 5, 8 on previous permission 2019/92233 for erection of petrol filling station, including new shop building, canopy, jet-wash and below ground storage tanks - Pending consideration (Pennine Service Station)

Representations

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters which expired on the 9th April 2021, whereby no representations have been received.

Consultation responses

None required.

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.

Kirklees Local Plan:

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 21 – Highway safety
- LP 22 – Parking
- LP 24 – Design
- LP 53 – Contaminated and unstable land

Householder Design Guide (SPD)

Kirklees Council is currently in the process of producing its supplementary planning guidance on House extensions. Although this is at the draft stage, it

does need to be considered in the assessment of planning applications with some weight attached. The general thrust of the advice is aligned with both the Kirklees Local Plan and the National Planning Policy Framework, requiring development to be considerate in terms of the character the host property and the wider street scene.

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
- Chapter 15 – Conserving and enhancing the natural environment

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 highways
5. Other matters
6. Representations
7. Conclusions

1.Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 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 National Planning Policy Framework.

Policy LP1 goes on further to stating that: “The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area”.

In this case, it can be stated the principle of some form of development could be acceptable subject to the assessment of impacts on visual and residential amenity and highway safety.

2. Impact on visual amenity:

The design of the development will be assessed against Policy LP24 of the Local Plan and Policies in Chapter 12 of the NPPF. These policies seek to promote good design by ensuring that the scale, layout and details of a development respect and enhance the character of the townscape, heritage and landscape, provide a high standard of amenity of future and neighbouring properties and assess other design considerations such as designing out crime the provision of open space. The LPAs Draft Householder Design

Guide also provides additional guidance in relation to design which has been considered.

The proposal seeks to erect a full first floor above the entire bungalow, along with a rear extension. The site is set on a higher level than the adjacent highway at Bradley Road and is therefore visible from wider public vantage points. The host property is set within a wider residential area where two storey and single storey properties are evident, therefore the use of the roof space or extensions upward for additional accommodation is not objected to in principle.

However, the scheme proposed includes the provision of a 1.5 metre band of render around the whole property, leading to the property having a significantly high eave's height at 4 metres. When this design is considered along with other dwellings in the immediate area, which all have low eave's heights, with little or no gap between the head of the window and the eave's of the roof, it is considered that this design approach would be out of keeping with this well established character and the extension would not be subservient to the original property. It is noted that render is evident in the local areas as a secondary material and this is not objected to in principle.

In addition the increase in ridge height, would take the dwelling higher than the side extension of the neighbour at no.35, as evidenced on the street scene drawing. This further highlights that the proposal would lead to the dwelling becoming prominent in the street scene, further adding to concerns with the design of the scheme.

In terms of the rear extension there is no objection to this as it has a low eave's height the same as the original dwelling and would be constructed from stone to match the host property.

For these reasons, the development would result in an unsympathetic and incongruous design of the host building, that would harm the character and appearance of the dwelling in the wider area. The resultant visual impact in terms of size, scale and massing would not be subservient or in keeping with the host dwelling and would not accord with Policy LP24 (a and c) of the Kirklees Local Plan and advice within the National Planning Policy Framework.

3. Impact on residential amenity

The National Planning Policy Framework states that Local Planning Authorities should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings. This is echoed within Kirklees Local Plan Policy LP24 which states that: -

'proposals should provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings and the creation of development-free buffer zones between housing and employment uses incorporating means of screening where necessary'.

In this case, the impact of the development on each of the surrounding properties will be assessed in turn.

33 Bent Lea is the neighbouring property located to the East of the application site. It has been noted that there would be some additional impact upon these neighbour's amenity, given that the property benefits from a staggered design, with the nearest point being set back from no. 35's front elevation. Nonetheless, it has been noted that the main impact would be on these neighbours existing garage door and first floor window. In this case, it has been noted that the first floor window would still retain its full outlook and therefore any impact upon overbearing and overshadowing would not be undue.

With regards to overlooking, the submitted plans do not show any new windows to be inserted into the eastern facing side elevation. Nonetheless, in order to protect the future amenity of these neighbours, permitted development rights for ground floor side openings will be removed, given the properties close relationship. Future first floor side openings would be controlled under the GPDO.

37 Bent Lea is the neighbouring property to the North of the application site. It has been noted that these neighbours principle elevation faces onto the highway, with their side elevation facing the application site. As such, it is unlikely that the additional built form would have an undue impact upon these neighbour's amenity, as they only appear to benefit from two small openings within their side elevation. A separation distance of approximately 11m would also be retained. For these reasons, officers do not consider any potential overbearing, overshadowing and overlooking to be detrimental.

To the West of the site will be Pennine Service Station, along with Bradley Road to the South.

Overall, it has been considered that the proposed development would be acceptable in terms of residential amenity and would comply with Policy LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

4. Impact on highway safety

The proposed development would increase the size of the property, taking it from a 2 bed to a 3/4 bed. As existing, the parking provision at the site includes one space to the front of the dwelling and a detached garage. However, it has been noted that the garage is below parking standards, as it measures externally 2.5m in width x 5.5m in depth.

The Kirklees Highways Design Guide outlines that Kirklees Council has not set local parking standards but notes that as an initial point of reference for 3 bedroom dwellings or more, are that they should provide two or three off street spaces, but consideration to the accessibility of the development, the availability of and opportunities for public transport and local car ownership levels should also be given.

For these reasons, officers are concerned that the intensification of the site particularly due to the large scale of the extensions proposed would have a detrimental impact upon highway safety, as it has potential for additional cars to be displaced onto the roadside. This is further intensified by the fact that the property is adjacent to a turning head, and therefore, we would not wish to see any cars parked here. As such, the development is considered to fail to comply with Policies LP21 and LP22 of the KLP along with the Highways Design Guide SPD.

5. Other matters

Historic landfill buffer

It has been noted that the site lies within a historic landfill buffer and therefore in the case of an approval, a condition regarding the finding of unexpected land contamination would be attached to the decision notice. This to accord with Policy LP53 of the KLP.

Climate Change

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.

In this case, due to the nature of the proposal is not considered reasonable to require the applicant to put forward any specific resilience measures. However, the rear extension would be constructed from stone, which is considered to be a natural material, that can be easily recycled and locally sourced. Alongside this, the use of large areas of glazing to habitable rooms will reduce the use of artificial light and improve passive solar gain.

6. Representations

None received.

7. Conclusion

The NPPF has introduced a presumption in favour of sustainable development. The policies set out 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 proposals do not accord with the development plan and/or the

adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material consideration.

Recommendation REFUSE

Decision Authorisation - Delegated Powers**Application Number:** 2021/90610**Officer Recommendation:** REFUSE**Reason(s) for refusal**

1. The proposed first floor extension, by reason of its scale, design and location, would appear discordant and incongruous in the street scene and would not be subservient thereby failing to relate to or respect the host dwelling's original form. The proposed scheme would be an unsympathetic form of development that would harm the character and appearance of the area and the host building. This would be contrary to the aims of Policy LP24 (a and c) of the Kirklees Local Plan and advice within the National Planning Policy Framework.

2. The proposed extensions would significantly intensify the residential use of the site, whereby no additional compensatory off street parking has been provided. On street parking immediately adjacent the dwelling is also limited given the sites location adjacent to a turning head. Therefore the proposal would unacceptably increase the risk to the safety of highway users by additional on street parking. The proposed development would thereby cause undue detrimental harm to highway safety contrary to Policies LP21 and LP22 of the Kirklees Local Plan, the Highway Design Guide Supplementary Planning Document and the aims of the National Planning Policy Framework.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location plan, site plan and existing floor plans and elevations	HD2-2050-PLN-C-001	-	16 th February 2021
Proposed site plan, floor plans and elevations	HD2-2050-PLN-C-002	-	16 th February 2021
Proposed block plan	HD2-2050-PLN-C-003	-	16 th February 2021

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 2015 and otherwise actively engaged with the applicant in dealing with the application. In this instance, the submitted plans raised significant concerns with regards to visual amenity and highway safety and therefore no amendments have been sought.

Report Dated: 14th April 2021

