

**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: 2021/62/91657/E

Site Address: 1100, Bradford Road, Birstall, Batley, WF17 9JB

Description: Demolition of existing garage and erection of two storey side extension

Recommending Officer: Olivia Roberts

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.

Paul Dowd

AUTHORISED OFFICER

Date: 23-Jul-2021

Officer Report

Site Description

The application relates to 1100 Bradford Road, which is a two-storey detached dwelling in Birstall. The external walls are finished in render, with stone at ground floor level to the front elevation, and slate tiles for the roof. The dwelling is set back from the access road, with a driveway to the front and side and a detached garage and amenity space to the rear. There is a flat roofed two-storey extension to the rear elevation of the dwelling.

The application site is sited in a residential area, which comprises properties which vary in terms of their house type, style and design. There is a range of materials within the surrounding area.

Description of Proposal

The application seeks planning permission for the demolition of the existing garage and the erection of a two-storey side extension.

The extension would project 3m from the side elevation of the dwelling, with a minimal set back from the front and rear elevations. It would be designed with a flat roof form, which would match the eaves height of the host dwelling, as well as the height of the existing flat roofed extension to the rear of the property.

The extension would be finished in render to match existing.

History of negotiations/amendments received

During consideration of the application, the applicant's agent was made aware of officers' concerns regarding the design of the proposed side extension and its impact on the visual amenity and character of the host dwelling and wider street scene. Amended plans were suggested. However, no response, nor further plans were received.

Relevant Planning History

No relevant planning history at the application site or neighbouring properties.

Representations

The application was advertised by neighbour letters, which expired on 4th June 2021.

Following the above publicity, one representation was received. The following material planning considerations were raised:

- Overlooking and loss of privacy from bedroom window in the extension.
- Increase in noise levels from proposed extension.

- Concern regarding proximity of extension to boundary.
- Concern regarding noise and privacy following demolition of garage.

All comments have been carefully considered during the assessment of the application and officer comments regarding material planning considerations will be made in Section 6 of this report. Other comments were also made. However, these do not form material considerations, which can be taken into consideration. Notwithstanding this, comments have been made regarding the need for access to neighbouring land for construction and maintenance. Should the application be recommended for approval, a note could be added to the decision notice advising the applicant that the granting of planning permission does not override private legal rights of ownership or access.

Parish/Town Council comments: not applicable.

Consultation Responses

No consultation responses were considered necessary.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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:

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 21 – Highway and access
- LP 22 – Parking
- LP 24 – Design
- LP 30 – Biodiversity and geodiversity
- LP 51 – Protection and improvement of local air quality

Supplementary Planning Documents:

Kirklees Council has recently adopted its supplementary planning guidance on house extensions. Although the period for a potential judicial review has not yet expired, it is now being considered in the assessment of householder planning applications, with some weight attached. 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

SPG will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the NPPF published 20th July 2021, 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, flooding and coastal change
- 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 highway safety
- 5) Other matters
- 6) Representations
- 7) Conclusion

1 – Principle of development:

The site is without notation in the KLP, policy LP1 of which 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 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.

These issues along with other policy considerations will be addressed below.

2 –Impact on visual amenity:

The existing dwelling is of a traditional appearance, designed with a hipped roof form, which is finished in slate roof tiles. The proposed extension, whilst subservient to the host property with regards to its scale and projection, would

be designed with a flat roof form, which would not be in keeping with the character and design of the host property. The House Extensions and Alterations Guide sets out how the roof pitch and detailing of two-storey extensions should normally match the existing house detailing. Whilst it is acknowledged that the dwelling benefits from an existing flat roofed addition to the rear, this is of a smaller scale, with most of its footprint infilling an area to the rear of the property which was originally 'L' shaped on plan. The existing flat roofed extension is located to the rear and positioned so that it has limited visibility from the street scene and the wider area. The proposed extension would hold a prominent position on the host property and within in the street scene, creating an unacceptable and incongruous feature along Bradford Road, which would be harmful its character. This is also contrary to the advice set out within the Extensions and Alterations Guide, which suggests that extensions should appear in keeping with the local character including the architectural style and roof pitch.

The extension would be finished in render, which is considered in keeping with the materials used on the host dwelling. Should the application be recommended for approval, in the interest of visual amenity, it could be conditioned that the render should match that on the existing dwelling in terms of its colour.

The impact of the demolition of the detached garage on visual amenity is acceptable.

Having taken the above into account, the proposed extension would cause significant harm to the visual amenity of both the host dwelling and the wider street scene. Therefore, the proposals fail to comply with policy LP24 of the KLP (a) and (c) in terms of the form and details, as well as the aims of chapter 12 of the NPPF.

3 – Impact on residential amenity:

Impact on 1098 Bradford Road

The proposed extension would be located to the side of this neighbouring bungalow, 1098 Bradford Road, to the south-east. It would project slightly beyond its front elevation, although would not project beyond its rear. The property does not benefit from openings in the side elevation and, as such, the impact on the side of the property is acceptable. The proposed extension would be two storeys high and would, therefore, be higher than the ridge of the neighbouring property. Notwithstanding this, the projection beyond the front elevation of the property would be minimal and, as such, it is considered that any additional impact to the openings to the front of the property would not be detrimental to the amenity of the occupiers. No openings are proposed to the side elevation of extension, which would prevent harmful overlooking towards this neighbouring bungalow. In the interest of residential amenity, it is considered appropriate to condition that no opening shall be installed in the side elevation of the extension at ground floor level in the future. Future first floor level openings in the side elevation would be restricted by the limitations of the General Permitted Development Order. Whilst the extension would

project close to the shared boundary, with habitable openings in its front and rear elevations, any overlooking from these openings towards the private amenity space of the neighbouring property would be at an oblique angle and, as such, would not allow for harmful overlooking, significant enough to warrant a reason for refusal of the application.

It is noted that a garage forms part of the boundary with this neighbouring bungalow. Should the application be recommended for approval, then details could be sought regarding the replacement boundary treatment between the two properties, to prevent the potential for harmful overlooking and loss of privacy.

Impact on 1102 Bradford Road

The proposed extension would be located to the south-eastern elevation of the dwelling and, as such, is considered not to result in a harmful impact on the residential amenity of this neighbouring property to the north-west. It is considered that the impact on this property, due to the demolition of the garage would be acceptable.

Impact on 1104 Bradford Road

The curtilage of the application dwelling tapers to the rear of the site, where it shares a small section of its boundary with an area of the amenity space at 1104 Bradford Road. Given the distance that would be retained between the extension and the boundary, and the additional distance between the two dwellings, it is considered that the proposal would cause no detrimental impact to the amenity of the occupiers of this property.

The proposed extension would not project any closer to the properties, which are located to the south of Bradford Road, than existing. It is considered that this, along with the distance retained, would be sufficient to prevent the proposal from having a harmful impact with regards to the residential amenity of these properties.

Having assessed the above, the proposal is considered to result in no adverse impact upon the residential amenity of any surrounding neighbouring occupants, thereby complying with policy LP24 of the KLP and paragraph 130 (f) of the NPPF.

4 – Impact on highway safety:

The proposal would introduce a fifth bedroom to the property and would result in the loss of the existing detached garage and the driveway, which runs down the side of the property. The dwelling currently benefits from a driveway to the front, which is of a sufficient size to accommodate two parking spaces, whilst allowing for internal turning. These two parking spaces are shown to be retained on the proposed site plan following development, and in this case, are considered sufficient to serve the dwelling. The scheme would not represent additional harm in terms of highway safety, thus complying with policies LP21 and LP22 of the KLP.

5 – Other matters:

Biodiversity

The site is identified as being located within the bat alert layer and, therefore, consideration must be given to the impact of the proposed development on bats and bat roosts. The building appears well-sealed and there is no evidence of bat roosts, nor of any bat roost potential. If approved, as a precautionary measure, a footnote would be added to the decision notice to provide the applicant with advice should bats, or evidence of bats, be found during construction. This would accord with the aims of chapter 15 of the NPPF and policy LP30 of the KLP.

Carbon Budget

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.

The proposal comprises domestic development to an existing dwelling. As such, no special measures are required in terms of the planning application, with regards to carbon emissions. However, there are controls in terms of Building Regulations, which would need to be adhered to as part of the construction process and which would require compliance with national standards. For this reason, the proposed development is considered to comply with policy LP51 of the KLP and chapter 14 of the NPPF.

6 – Representations:

Following publicity, one representation was received. A response the material considerations raised follows:

- Overlooking and loss of privacy from bedroom windows in the extension.
- Increase in noise levels from proposed extension.
- Concern regarding proximity of extension to boundary.
- Concern regarding noise and privacy following demolition of garage.

Response – The above concerns regarding the impact on the neighbouring properties have been addressed within the impact on residential amenity section of this report. The impact on residential amenity is considered acceptable. With regards to increased noise, the extension would project closer to the property than existing, and the demolition of the garage would create a more open relationship between the rear amenity spaces of the two

properties. Notwithstanding this, the development is to an existing property within a residential area, and it is considered that any additional noise would not be significantly detrimental over and above the existing relationship.

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. For the reasons set out above it is considered that the development would not constitute sustainable development and it is, therefore, recommended for refusal.

Recommendation: **Refuse**

Decision Authorisation - Delegated Powers

Application Number: 2021/91657

Officer Recommendation: Refuse

Reasons for Refusal

1. The side extension, due to its flat roofed design and prominent location, forms an incongruous, dominant feature, which is harmful to the character of the host dwelling as well as the wider street scene. To permit the extension, which does not promote good design, would be contrary to Policy LP24 of the Kirklees Local Plan and the aims of Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location Plan	A (10)-002	-	22/04/2021
Existing Site Plan	A (10)-001	-	22/04/2021
Proposed Site Plan	A (PL)-001	-	22/04/2021
Existing Plans & Elevations	A (10)-100	-	22/04/2021
Proposed Plans & Elevations	A (PL)-100	-	22/04/2021

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 Authority has, 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.

The submitted plans raised significant concerns in terms of the flat roofed design of the side extension and the subsequent impact on the visual amenity of the host property and wider street scene. The applicant's agent was made aware of these concerns, and amendments were suggested to overcome these concerns. However, no response or further plans from the applicant's agent were forthcoming.

Report Dated:

20/07/2021