

**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: 2021/62/92039/W

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

Description: Erection of first floor extension to form additional storey and erection of single storey rear extension

Recommending Officer: William Simcock

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 02-Aug-2021

Officer Report 2021/92039

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.

Description of Proposal

The proposal is for the erection of:

- A first-floor extension;
- A single-storey extension to the rear (south) elevation.

The first-floor extension would increase the eaves height of the property to 4.7m. The lower part would be coursed stone, the upper part (from first-floor window cill level upwards) rendered. Roof style and pitch would match that of the existing dwelling. The new “feature entrance” would be a timber-clad canopy at first floor supported by columns. The external chimney stack would also be increased in height to match the building.

The single-storey extension would be aligned to the right-hand or eastern side of the rear wall and would be just over half its width, at 6.1m. It would project 1.9m. It would have a double-pitched roof, 5.0m from ground to apex. This would be built in stone and tiles to match the existing building

History of negotiations/amendments received

None.

Relevant Planning History

2021/90610 – Erection of single-storey extension to rear, addition of first-floor accommodation within raised roof space and alterations. Refused, no appeal. Reasons 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.

Representations

Final publicity date expires: 26-Jun-2021: (Publicity by neighbour letter only thereby fulfilling the requirements of the Development Management Procedure Order).

No representations received.

Consultation Responses

None were considered necessary.

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 designation on the Kirklees Local Plan.

Local Plan:

LP 21: Highways and access

LP 22: Parking

LP 24: Design

LP 53: Contaminated and unstable land.

Supplementary Planning Documents:

- KC Highways Design Guide 2019

The following SPDs were adopted on 29th June 2021 can be viewed on the council's website at <https://www.kirklees.gov.uk/beta/planning-policy/adopted-supplementary-planning-documents.aspx>:

- Housebuilders Design Guide Supplementary Planning Document,
- House Extensions and Alterations Supplementary Planning Document
- Open Space Supplementary Planning Document

These are now a material consideration in the determination of planning applications.

The following two documents have also recently been approved by Cabinet and these can be viewed at: <https://www.kirklees.gov.uk/beta/planning-applications/guidance-and-advice-notes.aspx>

- Biodiversity Net Gain Technical Advice Note
- Climate Change Guidance for Planning Applications

These documents can also be viewed in [G:\Planning\SPDs & Guidance Notes](#).

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

Assessment

The following matters are considered in the assessment below –

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

1 – Principle of development: The site is without designation in the Local Plan. Of particular relevance is Policy LP24(c) which requires that extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials, and details and minimise impact on residential amenity of future and neighbouring occupiers. Any implications for highway safety will also be considered as required by Policies LP21-22, and of land contamination as required by Policy LP53.

2 – Impact on visual amenity: On the previous application the increase in roof height would have resulted in the eaves being 4m; along with an overall height of 6.7m, which would have been greater than that of the neighbouring dwelling. The rear extension would have been of similar footprint but with a steeper roof pitch and with the apex of the roof above the eaves of the main house.

In assessing the previous application, the case officer concluded that as the host property was set in a residential area in which two-storey properties were common, the principle of extending the property upwards could be accepted, but that the specifics of the design were objectionable.

As now proposed, both eaves height and overall height would be in conformity with that of the immediate neighbouring property. It is considered that it now respect the design features of the existing building and would no longer appear discordant or incongruous within the street scene since it would not be set among properties that are mainly single-storey. Furthermore it would not contradict the aims of part 5.7 of the House Extensions and Alterations SPD. It is therefore considered that the new plans have addressed the previous reason for refusal (1).

The footprint of the single-storey extension would be the same as on the previous plans but the roof pitch has been reduced so as to match that of the two-storey part.

Stone would be by far the predominant material. The use of rendering for the upper part of the walls is considered acceptable since there are at least three examples of partially rendered houses close to the application site on Bent Lea. Subject to stonework and roofing materials matching those on the existing building, and rendering being a suitable colour (off white) it is considered that it would conserve and respect the appearance of the townscape and accord with the aims of LP24(a).

3 – Impact on residential amenity: 33 Bent Lea is the neighbouring property located to the east of the application site. 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 front-facing first floor window which would still retain its full outlook and therefore any impact upon overbearing and overshadowing would be slight.

37 Bent Lea is the neighbouring property to the north of the application site. It has been noted that its principal 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.

No other residential properties are in a position to be affected.

With regards to overlooking, the submitted plans show glazed doors in the western side elevation of the single-storey extension but do not show any new windows to be inserted into the eastern facing side elevation. It is considered that permitted development rights for ground floor side openings in the eastern elevation be removed, as it would be on no. 33's boundary and windows facing this way could potentially have an impact on privacy even though they would only overlook a passageway. Future first floor side openings would be controlled under the General Permitted Development Order so it is considered that they do not need to be covered by a condition.

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, the House Extensions and Alterations SPD and advice within the National Planning Policy Framework.

4 – Impact on highway safety: The previous officer report raised the following concerns about parking:

“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.”

The arrangement shown on the previous application did not include any additional parking. Parking available would have consisted of the existing single-width driveway, which is about 12m long, and a detached garage which is of sub-standard width.

The application now under consideration is the same as the previous one in terms of floor area. The upper floor total accommodation provided, as shown on the plans, would now consist of 3 no. bedrooms and en-suite facility at upper floor, whereas before it would have included a fourth bedroom. The layout plan also shows a further parking space to be formed within the

existing lawn. It is considered that this overcomes the second reason for refusal since the amount of parking would be satisfactory in relation to the amount of living accommodation.

In general, only two parking spaces are sought in the case of a 3-bedroom dwelling, but in this instance it is considered it would be reasonable to condition the formation of the parking area and its subsequent retention since the overall amount of living accommodation could give rise to additional parking demand and as previously observed it is close to the turning head. Subject to this it is considered it would comply with the aims of LP21-22.

Surfacing materials for the new parking space are unspecified. In accordance with the approach that is generally taken for new domestic hardstanding, in order to avoid increased contribution to flood risk, it should be conditioned that the new hardstanding is either formed using permeable materials or designed to drain to a permeable area within the curtilage, so as to minimise contribution to flood risk.

5 – Other matters:

Biodiversity:

The site is not in the bat alert layer or any other areas designated for biodiversity and it is considered that owing to the scale and nature of the development it would be unreasonable to seek enhancement measures in this instance.

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 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.

In this instance the applicant has not submitted any supplementary statement or other information to explain how the proposed development would help to address or combat climate change effects. As the proposal is for an extension to an existing dwelling within an urban area it is considered however that that it would contribute to making more efficient use of land in a relatively sustainable location. It is considered that in the circumstances the applicant does not need to demonstrate further measures to combat climate change and the proposal is deemed to be in accordance with the aims set out above, and set out in NPPF Chapter 14.

Coal mining legacy:

Part of the site is deemed to fall within a high risk area for coal mining. In accordance with Coal Authority advice, a coal mining risk assessment has not been sought in this instance as the development is a householder extension.

6 – Representations: No representations were made.

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: 2021/92039

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 stonework and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building. Any parts of the external walls shown to be rendered on the plans shall be finished in a through-coloured off-white render.

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

4. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no new door or window openings other than those expressly authorised by this permission shall be constructed in the external side walls of the single-storey extension at any time.

Reason: So as not to detract from the amenities of adjoining properties by reason of loss of privacy and to accord with Policy LP24(c) of the Kirklees Local Plan.

5. The additional parking area shown on the approved drawing 002 Revision F shall be laid out with a hardened and drained surface before the first-floor extension is first brought into use. Any hardstanding formed shall be 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) (England) Order 2015 (or any Order revoking or re-enacting that Order), this area shall be so retained, free of obstructions and available for the parking of vehicles.

Reason: To ensure adequate space within the site for parking in the interests of amenity and traffic safety, and to ensure that the development does not contribute to flood risk through increased run-off, and to accord with the aims of Policies LP21-22 of the Local Plan and Chapter 14 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			17-May-2021
Location plan, plans and elevations as existing	001	F	17-May-2021
Floor plans and elevations as proposed	002	F	17-May-2021
Roof and site plan, sections as proposed	003	F	17-May-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 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. The case officer did not undertake negotiations with the as no amended or additional plans were considered necessary.

Report Dated: 02-Aug-2021