

**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:	2022/62/91737/W
Site Address:	416, Bradley Road, Bradley, Huddersfield, HD2 1PS
Description:	Erection of two storey rear extension with roof terrace
Recommending Officer:	Hubert Lam

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: 01-Sep-2022

Officer Report

2022/91737 – 416 Bradley Road, Bradley, Huddersfield, HD2 1PS

Site Description

The application site 416 Bradley Road is within the residential area of Bradley, characterised by detached and semi-detached dwellings of various external appearance and finishes including brickwork, stone blockwork, and render, accessed by Bradley Road to its front (south).

The host property 416 Bradley Road is a two-storey detached dwelling constructed in stone blockwork and roof tiles with a rendered finish on the first-floor level, a front yard / hardstanding area and a rear garden within its residential curtilage.

The site is within a Coal Development Low Risk Area and not within any other relevant designated areas according to the Kirklees Local Plan.

Description of the Proposals

The application seeks planning permission for the proposed erection of a two-storey rear extension with roof terrace, to create an enlarged open-plan kitchen and dining area on the ground-floor level, and an enlarged en-suite bedroom with associated roof terrace on the first-floor level.

Planning History

The most relevant planning history to the site is as follows,

Reference: 88/02671

Description: Erection of extension to form bedroom over existing garage

Status: GRANTED CONDITIONALLY

Reference: 90/03358

Description: ERECTION OF CONSERVATORY

Status: CONDITIONAL FULL PERMISSION

Reference: 91/06625

Description: ERECTION OF PORCH / CLOAKROOM

Status: CONDITIONAL FULL PERMISSION

Permitted Development Rights to the property remain intact according to the planning history and the Council's relevant records.

Representations

The application has been advertised by neighbour notification letters. Final publicity expired 28 June 2022. No representations were received.

Consultee Responses

No responses were received.

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.

The site is within a Coal Development Low Risk Area and not within any other relevant designated areas according to the Kirklees Local Plan.

The most relevant Policies for consideration in this case are:

Kirklees Local Plan (2019)

- LP1 Achieving Sustainable development
- LP2 Place Shaping
- LP24 Design

Supplementary Planning Documents (SPD):

House Extensions and Alterations SPD

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, the wider street scene, and the amenities of neighbouring residents.

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (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 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Appraisal

Principle

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. 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.”

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

Paragraph 4.5 of the Kirklees House Extensions and Alterations SPD specifically relates to the overall scale, massing, external design and detailing of extensions and reads as follows,

4.5 Proposals for extensions should normally be smaller in scale than the original property and set back from the existing building line. Two-storey extensions should be set down from the ridge line and generally smaller in footprint. The materials, design, roof pitch and detailing should normally match the existing house detailing.

Paragraphs 5.1-5.4 of the SPD relates to rear extensions and the requirements in their assessment and reads as follows,

“5.1 Rear extensions should maintain the quality of the residential environment and relate well to the neighbouring buildings. Rear extensions should generally not be visible from the street and should retain a reasonable living environment for the property being extended. This should include consideration of the following: Preserving a back garden of a reasonable size, with a general principle that at least half the garden area is retained; Being set behind the original building, and not projecting beyond the sides; and Maintaining external access to the rear garden.

5.2 As a general rule, a rear extension should: respect the original house and garden in terms of its size and scale; use appropriate materials which match or are similar in appearance to the original house; and not have an adverse impact by way of overshadowing or loss of outlook of neighbouring properties.

5.3 Rear extensions commonly encounter problems by causing overshadowing and loss of outlook to neighbouring properties. Figure 14 shows how unacceptable heights of single storey and two-storey rear extensions can have adverse impacts on neighbouring properties through these principles and would not be permitted.

5.4 To avoid the problems caused by loss of light, as well as loss of privacy and outlook, the sizes and projections of rear extensions need to be strictly controlled.”

The proposal would involve the creation of a roof terrace on the first-floor level. Paragraph 5.28 of the SPD specifically relates to the assessment of proposals involving roof terraces and balconies and read as follows,

“5.28 Balconies and roof terraces on existing buildings should not negatively affect neighbouring properties or alter the local character of the area. Balconies and roof terraces should be: Positioned, and screened if required, so that they do not overlook neighbouring homes or gardens. Sited away from locations that are sensitive to additional noise levels or disruption.”

In this case, the principle of extending the existing dwelling is considered acceptable and shall be assessed against the applicable material planning considerations within the following report.

Visual Amenity

Policy LP24 (Design) of the Council’s adopted Local Plan sets out that proposals should promote good design by ensuring the form, scale, layout, and details of all development respects and enhances the character of the townscape, 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. Paragraph 130 of the NPPF is also of relevance to the consideration of this application.

KDP 1 and 2, and Paragraphs 4.2-4.4 of the SPD require that development proposals to have specific regard on the local context and distinctive character, where modern, contemporary designs that could be demonstrably appropriate to this context and character should be assessed on their own merit accordingly and could be supported in cases that the proposal would clearly enhance to the character and street scene of the area.

Paragraphs 5.8-10 provide further guidance to the assessment of two-storey rear extensions and reads as follows,

“5.8 Two-storey rear extensions will be considered based on the extent of overshadowing, loss of privacy and outlook. Generally, two-storey rear extensions should: be proportionate to the size of the original house and garden; not normally exceed 50% of the total area of land around the original house (including previous extensions and outbuildings); not project out more than 3 metres from the rear wall of the original house or by 4 metres for detached properties; not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary; be separated from the property boundary, such as a wall, fence or hedge, by at least 1.5 metre; and not adversely affect habitable room windows where they adjoin a neighbour’s boundary.

5.9 Larger extensions may be acceptable in certain circumstances if this can be justified, such as where neighbouring houses have already been extended, and will be considered on a case-by-case basis.

5.10 Where two storey extensions introduce additional bedrooms overall parking requirements will need to be considered, as stated in Key Design Principle 15.”

The existing configuration of the house is such that its existing rear (north) elevation displays a staggered layout, with a further projection to the rear on its northwestern corner aligning with its existing side (west) elevation, and a set-back on the first-floor level on its northeastern corner. The proposed two-storey

rear extension would in-fill the rear (northeast) corner of the built-up ground footprint of the existing house, and project 3.8m from the existing rear (north) elevation of the house on the ground floor level, and a 3.2m rear projection on the first floor level, with an associated adjoining roof terrace area bearing the floor area of 2140mm in length and 3175mm in width, aligning with the existing rear (north) and side (east) elevations of the existing house, with hipped roof sections aligning with the existing roof ridge at a height of 6.9m to the ridge and 5.2m to the eaves, the overall height of which would be significantly stepped down by 1.4m from that of the main roof.

Whilst it is recognised that the proposed two-storey rear extension would project more than 3.0m from the existing rear elevation of the house and would exceed the limits as per the guidance given in Paragraph 5.8 of the SPD, such would involve the rear aspect of the house, would respect the existing built-up ground footprint of the house, the staggered layout of the house along its rear (north) elevation in its plan form, and the overall scale and massing of the house by not exceeding the rearmost part of the rear elevation of the existing house, and would therefore clearly remain proportionate and subservient to the existing house. As such, the proposed rear extension would be well integrated into the existing house and would be acceptable when considered in the context of the existing built form of the house and its wider surroundings and could be justified as per Paragraph 5.9 of the SPD in its impact on the character of the property and visual amenity.

The proposed rear roof terrace element, when considered in its possible cumulative impact with the associated proposed rear extension element in its scale, massing, and external appearance, would clearly not negatively impact on the neighbouring properties or the wider character of the house when viewed from the perspective of the public domain along the public highway Bradley Road to the front (south) of the property. As such, the proposed extension and roof terrace would be acceptable in terms of design and visual amenity and would accord with Paragraph 5.28 of the SPD regarding roof terraces and balconies.

The proposed two-storey rear extension with associated roof terrace on the first-floor level would be stone blockwork on the ground floor level and a rendered finish on the first-floor level and roof tiles on the proposed roof sections, all to match that on the existing house, would match that of the existing house, and would be clearly in-keeping with the outlook and character of the host property; as such, subject to the condition requiring matching external appearance and finishes, the proposed works would be of consistent and matching architectural style that could be clearly interpreted as the typical vernacular in its context and surroundings in a residential area. The roof terrace has obscure glazed privacy screens which provide a lightweight appearance.

Therefore, the proposal would be considered acceptable in terms of design and visual amenity and would accord with Policies and LP24 of the Kirklees Local Plan, KDP 1 and 2 of the House Extensions and Alterations SPD, and Policies within Chapter 12 of the NPPF.

Residential Amenity

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. Key Design Principles 3, 4, 5, and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

KDP 3 and 4 of the SPD require proposals to achieve reasonable levels of privacy and call for the careful design considerations in the positioning of windows with regard to their impact on privacy and overlooking on neighbouring properties in development proposals.

KDP 5 and 6 and Paragraphs 4.17-4.18 describes the "45-degree rule" when assessing the possible overshadowing impact on neighbouring properties and reads as follows

"4.17 When assessing the impact of overshadowing on neighbouring properties, the council will, as a starting point, have regard to the 45° guidelines. A line will be drawn from the midpoint in the nearest habitable room window of the adjacent property, at an angle of 45°, across the proposed extension. The extent to which the line infringes upon the proposed extension will indicate the levels of light that may be lost to the neighbouring property. In appropriate circumstances, where local context supports this, larger guidelines may be considered on a case-by-case basis.

4.18 Consideration should also be given to the position of the proposed extension in relation to the sun's path and the impacts of different times of day and year when considering the impact of the 45° guidelines."

Paragraphs 4.19-4.20 of the SPD further gives specific guidance on the possible and likely impact in terms of dominance and overbearing impact on neighbours and reads as follows,

4.19 Consideration of the outlook of neighbouring properties will also be considered in assessments of extensions and alterations. Dominance and outlook relate to how an extension will change the character of the neighbouring house and garden and affect the outlook from a neighbour's window. Proposals which would result in a poor or reduced outlook from neighbouring properties are unlikely to be acceptable.

4.20 When assessing the impact that an extension or alteration may have on outlook, regard will be given to the established character of an area and the existing feeling of openness. It is important that neighbours do not feel unduly 'hemmed-in' by the proposals.

The proposed extension would only involve the side (east) and rear (north) aspects of the house and would not project beyond the existing rear elevation of the house. Due to this layout and orientation, the proposed extension would not be visible from the perspective of the adjoining neighbour to the west 418 Bradley Road. As such, the residential amenity of this neighbour would not be materially altered from that of the existing house.

The adjacent neighbouring property to the east is a two-storey detached dwelling 414 Bradley Road. The proposed two-storey extension would not

project further than the existing side (east) elevation of the main house and would maintain the existing separation of 5m when measured between the side elevations facing each other. This neighbour has no existing side (west) facing reduced depth window on its first-floor level in the configuration that no window openings on the host and neighbouring properties would be facing each other directly. The proposed extension would not introduce any new window or door openings to its side (east) elevation on both the ground floor and first floor levels. Permitted Development Rights would prevent any new first floor side facing windows, unless they met specific criteria and the ground floor windows would face onto a blank gable. There is, therefore, no reason to remove permitted development rights for windows openings on the side (east) elevation of the house. In conclusion, the proposed two-storey rear extension would not pose a greater privacy, overshadowing, or overbearing impact on the neighbour than that of the existing house in this respect.

The proposed roof terrace on the first-floor level would utilise the flat roof section of the ground floor level and have a floor area of 2140mm in length and 3175mm in width, delineated on its side elevations by obscure glazing (privacy screen) at a height of 1.7m. This would prevent the direct overlooking of private amenity spaces. In addition, no. 414 has a rear extension that projects much further than this terrace area and the terrace is set some distance way from no. 418. As such, subject to the condition securing the installation of obscure glazing to the privacy screens notwithstanding the plans as submitted, this roof terrace element would not pose a greater privacy impact on the neighbours than that of the existing house in this respect and would accord with Paragraph 5.28 of the SPD specifically regarding the assessment of roof terraces and balconies.

KDP 7 of the House Extensions and Alterations SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained. The application site benefits from a relatively generous outdoor space in the form of its rear garden, and the proposed extension would clearly satisfy the requirement for at least 50% outdoor space within the residential curtilage being retained when viewed in conjunction with the existing house in its cumulative impact, with the in-fill of approximately 10m² and at least 260m² of outdoor space retained within its residential curtilage.

Due to its location, layout, orientation, separation, and overall configuration, the proposed extension and alterations would not introduce a significantly greater harmful and detrimental overbearing, overlooking and overshadowing impact on the neighbouring properties when compared with the existing original house and would create a sympathetic outlook in-keeping with the character of the residential area when viewed from the perspective of the neighbouring properties. As such, the proposed extension would accord with Section 12 of the NPPF, Policy LP24 of the Local Plan, and the specific guidance on residential amenity as described by the Kirklees House Extensions & Alterations SPD KDPs 3-7.

Highways Safety

The submitted plans and information did not specify the total number of bedrooms as existing; however, the proposed single-storey rear extension would maintain and not increase the number of bedrooms of the property, which would remain at 3no.

KDP 15 and Paragraph 4.42 of the SPD provides specific guidance to the parking provision with regard to the number of bedrooms at the property and is worded as follows,

“4.42 Proposals should maintain appropriate access and parking arrangements, including for bicycles. The number of parking spaces required are dependent on the size of the property and the prevailing local characteristics and will be considered on a case-by-case basis. An initial point of reference for residential development is as follows: 2 to 3 bedroom dwellings provide a minimum of 2 off-street car parking spaces 4+ bedroom dwellings provide 3 off-street parking spaces.”

The application site, as existing and proposed, would provide at least 2no parking space to the front private drive / hardstanding area of the property within its residential curtilage, and would therefore not materially intensify the site to the extent that additional parking provision would be crucial in its surrounding residential setting and would have an acceptable impact in terms of parking provision and highways safety.

Waste Storage

KDP 16 and Paragraph 4.44 of the SPD requires development to maintain appropriate waste storage arrangements and is worded as follows,

“4.44 Consideration should be given to the storage of bins and recycling. Proposals for extensions should consider appropriate storage for bins. Bin storage should provide easy, level access from the storage location to the collection point. Bin storage areas should be well integrated in enclosed or otherwise discreet/well screened areas and must meet fire safety standards. Further guidance on emergency access, waste management, servicing and deliveries can be found in the Council's Highways Design Guidance SPD and waste strategy available on the council's website.”

Considering the proposal with regard to the internal alterations and circulation with relation to the overall site access and layout, the proposed side (east) separation to the curtilage boundary would not be reduced and would allow for the access between the public highway Bradley Road to the front (south) into the rear private garden area and would be a logical and acceptable waste storage arrangement to allow for effective waste collection from the property.

Other Matters

Carbon Budget

KDP 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. KDP 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, KDP 10 and 11 recommend extensions

and alterations to consider the use of renewable energy and designing water retention into the proposals.

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.

The proposal could clearly be seen as an addition and alterations reflecting the continued and evolving use of the property as a residential dwelling, with the proposed materials and construction methods being energy efficient wherever possible and applicable and would therefore be appropriate in securing and safeguarding sustainability.

As the scope of the works proposed would be relatively modest and would not introduce a significant environmental impact compared with that of the existing house and its associated outbuildings and structures, it is not considered reasonable to add any carbon budget / climate emergency related condition should the proposal be granted the necessary planning consent. The scheme therefore complies with the aims of policy LP24 of the KLP, KDP 8-11 of the SPD in promoting energy efficiency and the adoption of renewable energy, and Chapters 9 and 14 of the NPPF, which seek to promote a low carbon future and securing sustainability in development proposals.

Representations

No representations were received.

Conclusion

Having assessed the application against the relevant local planning policies and the National Planning Policy Framework, it is considered that the proposed works, in isolation and aggregate, would not pose or create a significant detrimental impact greater than that of the existing house, and in turn upon its visual, residential, and public amenity within its wider residential setting. Regarding all these elements, the proposal represents a sustainable and appropriate form of development both upon the house and its residential surroundings.

Recommendation

That this application be GRANTED permission subject to the following reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

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: In the interests of sustainable design principles and sound planning practice, in accordance with Policies LP1, LP2, and LP24 of the Kirklees Local Plan, the Key Design Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 15, and 16 of the Kirklees House Extensions and Alterations SPD, and Policies within Chapter 12 of the National Planning Policy Framework.

3. The external walls and roofing materials of the development hereby approved shall in all respects match those used in the construction of the existing building. The materials of construction shall be retained thereafter.

Reason: In the interests of visual amenity and in accordance with Policies LP1, LP2, and LP24 of the Kirklees Local Plan, the adopted SPD on House Extensions and Alterations and Policies within Chapter 12 and 14 of the National Planning Policy Framework.

4. Notwithstanding the plans submitted, the roof terrace hereby approved shall not be brought into use until obscure glazing of a minimum grade 4 has been installed to the privacy screens proposed to the eastern and western sides of the roof terrace. The obscure glazing shall be 1.7m in height, either in total or in cumulative height with solid walling. The obscure glazing shall be thereafter retained.

Reason: To ensure the development does not lead to unacceptable levels of overlooking of neighbouring occupiers to accord with policy LP24 of the Kirklees Local Plan, Key Design Principles 3, 4 and Paragraph 5.28 of the House Extensions and Alterations SPD and Policies within Chapter 12 of the National Planning Policy Framework.

Schedule of Plans and Specifications

Plan Type	Reference	Version	Date Received
Application Form	-	-	19 May 2022
Existing Plans and Elevations	1972-001	-	19 May 2022
Proposed Plans and Elevations	1972-002	Rev A	19 May 2022

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. No amendments were sought as it was considered that the proposal was acceptable as submitted.