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:	**2022/62/92168/W**
Site Address:	388, Bradley Road, Bradley, Huddersfield, HD2 1PU
Description:	Partial demolition of existing dwelling and erection of replacement dwelling
Recommending Officer:	Sam Jackman

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 13th December 2022

Officer Report – 2022/92168

Planning application details | Kirklees Council

Site Description

388 Bradley Road, Bradley, is a detached 1930's dormer bungalow, built with a brick base wall with mock Tudor detailing above to the front elevation under a rosemary tiled roof. The property benefits from a front porch, detached garage and large rear dormer.

The property sits within a fairly large flat plot, with a gentle slope down from the rear patio, it is set back from the road and in from the side boundaries with a north facing back garden backing onto Bradley golf course.

The existing building at site features a chimney to the front / side of the host property and has a number of single storey gable features to the front and side. Roof lights are within the front roof slope although unlikely to have been original to the host property.

The section of Bradley Road within which the dwelling is sited is characterised by single storey dwellings, some with rooms within the roof space. Opposite the site is land used for an employment use, with associated warehouse / industrial unit buildings.

Description of Proposal

The application is partial demolition of the existing dwelling and erection of a replacement dwelling. The proposal would consist of a new large front porch, two front dormers and rear 2-storey extension. To create a large open plan kitchen dinner, a second living room, a ground floor bedroom with 2 ground floor bathrooms and 4 large first-floor bedrooms, one with en-suite and a main bathroom.

From bedrooms 4 & 5 there is proposed to be an enclosed balcony overlooking the rear garden.

The proposal would have a footprint of 170m^2, with the total floor space provision of approximately 290m^2.

The proposed development would be built from materials to match the host property using brick with render and red rosemary tiled roof.

The design of the proposal is such that there would be a gable roof with two dormer features within the front roof slope, and a large gable feature to the rear which protrudes from the rear roof slope. Single storey elements with gable roof features are proposed to the western (side) elevation.

History of negotiations/amendments received

Various requests have been made to reduce the size of the developments and to rectify discrepancies between the elevations and layout plans. Amended plans gave been submitted during the course of the application with them most recent received 8th December 2022.

Relevant Planning History

None for the host property

Of note is the planning history for no.386 Bradley Road (ref:- 2012/91668) which granted planning permission for the erection of a single storey rear extension to create granny annex

Representations

We are currently undertaking the legal 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 11.8.22, whereby two representations have been received, from the same household with the summary of comments set out below:

- Overshadow/overbearing
- Out of character with the design
- Overlooking from rear balcony & side windows

Further amended plans were considered to make marginal changes to the proposal's design (reductions) and as such were not publicised on the basis it was considered the plans as advertised adequately alerted the public to the nature of the proposed development.

However, the case officer is aware that a neighbour is aware of the amended plans through a phone call.

Consultation Responses

K.C. Highways Development Management – no objections

K.C. Environmental Health – Pollution & Noise Control – no objections subject to conditions relating to provision of an electric vehicle charging point & construction hours.

Policy

The site is without notation on the Kirklees Local Plan although is noted to fall wihtin an area at low risk of ground movement as a result of former mining activity.

<u>Kirklees Local Plan:</u>

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP3** – Location of Development
- **LP7** – Efficient and effective use of land and buildings
- **LP 11** – Housing Mix and Affordable Housing
- **LP 21** – Highways safety
- **LP 22** – Parking
- **LP 24** – Design
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 53** – Contaminated and unstable land

Supplementary Planning Documents:

- Highways Design Guide SPD
- Housebuilders Design Guide SPD
- The Biodiversity Net Gain Technical Advice Note

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 21st 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 4 – Decision-making
- Chapter11 Making effective use of land
- Chapter12 Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding & coastal change.

Legislation

The Town & Country Planning Act 1990 (as amended).
The Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
The Planning and Compulsory Purchase Act 2004.
The Conservation of Habitats and Species Regulations 2017

Assessment

The following matters are considered in the assessment below –

1) Principle of development

1) Impact on visual amenity and Conservation Area/ Listed Building
2) Impact on residential amenity
3) Impact on highway safety
4) Other matters
5) Representations
6) 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 chapter 2 of the National Planning Policy Framework.

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".

Policy LP3 of the LP is also of relevance insofar as it requires development to deliver homes in a sustainable way.

Policy LP7 of the Kirklees Local Plan states that should encourage the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and a net density of at least 35 dwellings per hectare should be provided.
Principle 4 of the Housebuilders Design Guide seeks to ensure a density of 35 dwellings per hectare or more is achieved. Where a density of 35 dwellings per hectare cannot be achieved, policy LP7 sets out that lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs.
The proposed replacement dwelling would see the site remain at a lower density than 35 dwellings per hectare. However, given the nature of the proposal is to replace an existing dwelling it is considered that in this case it would be unreasonable of the LPA to insist upon a higher density of development in this case.
Taking account that the site is without notation on the Local Plan and the fact the development would see the replacement of an existing dwelling. It is considered that in this case the principle of development would be acceptable.
2 – Impact on visual amenity:

Kirklees Local Plan policies LP1, LP2, LP11 and significantly LP24 all seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

"a. the form, scale, layout and details of all development respects and enhances the character of the townscape…" and "
c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details..."

Policies within chapter 12 of the NPPF set out that development should be of an acceptable design. Paragraph 130 of the NPPF is of relevance, in particular the following parts:-

- *'b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping*
- *c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'*

Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Policy LP11 sets out that all proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities.

Local Plan Policy LP24(a) states that all proposals should promote good design by ensuring the following: *'the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'.*

Principle 2 of the Housebuilders Design Guide states that new residential development proposals will be expected to respect and enhance the local character of the area by: taking cues from the character of the built and natural environment within the locality. Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.

Principle 5 of the Housebuilders Design Guide states, amongst other things, that buildings should be aligned and set-back to form a coherent building line and designed to front on to the street. To avoid dominating the street, principle 12 states parking to the front will need creative design solutions to be incorporated. Consideration of the use of locally prevalent materials is required by principle 13. The design of windows and doors to relate well to the street frontage and neighbouring properties is required by principle 14. Principle 15 sets out that the design of the roofline should relate well to the site context, including topography, views, heights of buildings and the roof types.

388 Bradley Road, Bradley is a detached dormer bungalow in a fairly large plot. Where the overall size of the plot is 18m wide with an overall depth of 60m, the property is currently set back from the road by 12m with an existing rear garden length of 40m.

The property was built in the 1930's having its own individual design, part of a ribbon development along Bradley Road comprising of detached and semi-detached properties which are predominantly bungalows with some two storey dwellings. The majority are set back from the road as well as in from the boundaries giving open views between the properties and a spacious feel to these individually designed properties.

The proposal has been amended so that the dwelling would be set back a similar distance from Bradley Road. Furthermore, a reduction in the overall size, and removing 4 large external columns, from a single storey front projection has been proposed within the amended scheme. This element of the proposal was considered to be out of character with the property, street and adjacent neighbours. The porch has also been amended by lowering the overall height along with the eaves, providing a separation distance from the central rooflight and proposed dormers.

The front roof slope also incorporated 3 dormers with gabled roofs built of the front elevation of the property, which albeit provided spacing between them, they dominated the front roof slope. These dormers have been reduced to two, with a central rooflight, where they have been set further down from the ridge and albeit still built of the front elevation, they are shown with a single tile along the front.

The proposal also included increasing the width of the building to the east, creating a square building which lost the two small single storey sections. Albeit the building would have still been set in from the side boundary to the east. The fenestration details of the proposed front elevation were considered to have added increased bulk and dominated the plot.

The loss of the mock Tudor, replacing with render would have been acceptable albeit not ideal, where this feature is now retained.

These amendments to the front elevation are considered acceptable in principle and that these details alone would have little impact on the visual amenity of the area and its neighbours.

To the rear of the property the original scheme was for a larger 2-storey section. This is now slightly amended down to a large two storey gable with the appearance to the rear remaining that of a two storey dwelling.

The original scheme showed a 5m rear ground floor extension with the first-floor extending in line with the ground floor, an overall projection of 6m from the existing dormer, plus the first-floor open balcony projecting a further 0.9m by 11.3m the full width of the rear elevation. This rear extension has been slightly reduced by 1m to a 4m projection at ground floor and the first-floor balcony is now enclosed. Albeit enclosing the balcony may overcome some concerns with overlooking, it wouldn't reduce the projection of the roof, this would remain at 6m.

The pitch of the rear gable roof is shallower than the host property due to the width of the rear extension and the eaves have been raised by approx. 0.9m to provide additional head height and internal standing space to bedrooms 4 & 5. Therefore, these two elements create additional bulk and mass to the rear which is considered to result in a design of dwelling which is not in keeping with the locality and is out of character with that of the building which is being replaced and those neighbouring the site and further afield along Bradley Road. As such the proposal is considered to be contrary to principle 2 of the HDGSPD and policy LP24 of the Kirklees local plan.

The development would retain access to the rear garden and would not project beyond the side gables, albeit the small side out rigger to the rear of the property would be increased in height and depth. Therefore, there would be no view from the street scene when directly facing the property, the rear element would however, be clearly visible from the current open vista between the properties either side, where this element of the proposal would dominate this vista reducing the view towards the mature trees behind the property.

The front porch element would have a footprint of 7.6^2 m, which is fairly large, where the eaves match the existing front porch, however, it is set back from the road by approx. 9m and centrally located on the front elevation, therefore, this element is considered to have an acceptable appearance in relation to the host property and would not unreasonably affect the neighbouring properties.

With regard to the front dormers, it is unclear what the materials would be however, the materials of construction could be controlled by a suitably worded condition. Both dormers are not considered to dominate the roof slope having been reduced to two from three and are set down from the existing ridge line. However they are slightly larger than those of neighbouring neighbours at No.392, 394 & 396, given the boarding below the window cill. But given they are lower in the roof slope this is considered to be acceptable subject to condition ensuring suitable materials are used.

Advice has been provided recommending reducing the rear element of the proposal considerably, in order to reduce the overall bulk and mass. This could be done either with a hipped roof which would prevent the inclusion of the balcony and reduce the amount of usable space to the bedrooms, however, with the bedrooms at almost 5m square this would not make them unusable. Alternatively, the first-floor extension could be reduced so that it is in line with the existing rear elevation with the rear extension butting up against the first-floor. However, these amendments or similar haven’t been received, therefore, the application has been determined on the latest revised plans.

It is considered that there is suitable space to the front of the property to ensure a suitable level of parking and provision of soft landscaping. In the event of any grant of permission it is recommended this is ensured by the inclusion of a landscaping condition. In addition, it is noted suitable waste

storage could be undertaken to the rear of the dwelling and the development would have an acceptable visual impact in this regard.

However, it is considered that the proposed dwelling, by reason of its siting, scale, mass and design would introduce an unsympathetic, incongruous and overly prominent form of development which would be detrimental to the visual character and appearance of the street scene. The proposal would therefore be contrary to Policy LP24 (a) of the Kirklees Local Plan, Principle 2 of the Housebuilders Design Guide and policies within Chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and advice within Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers.
Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users. Principle 6 of the House Builders Design Guide sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.

Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings accords with the 'Nationally Described Space Standards' document (March 2015). Principle 17 of the Council's adopted Housebuilders Design Guide Supplementary Planning Document (SPD) requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

Section B and C of LP24 states that alterations to existing buildings should:

"…maintain appropriate distances between buildings' and *'…minimise impact on residential amenity of future and neighbouring occupiers."*

In this case the properties most likely to be affected by the proposal are considered to be No. 386 & 390 Bradley Road either side of the property with no properties to the front or rear.

Impact on No. 386 Bradley Road

No. 386 is to the west of the property, where their property is approx. 2.5m from the shared boundary, with an overall separation distance of 6m. Where this neighbour has already built an extension off the back of their property, built on the shared boundary which extends approx. 15m with a width of 4.5m. Therefore, their extension would almost fully screen the proposed extension from their property.

However, there are windows in the side elevation of the neighbour's property both at ground floor & first-floor, these are to the kitchen diner and presumably a first-floor landing window.

The proposed development proposes 6 windows in the east facing elevation potentially overlooking this neighbour, with 2 at first-floor and the remaining 4 at ground floor, where currently only a landing window is in this elevation. The 2nd first-floor window is to bedroom 3 which would be in close proximity to the neighbour's boundary, creating a new relationship and whilst there is some screening in the form of a hedge along the boundary, this wouldn't screen a first-floor window, creating unreasonable overlooking at close quarters.

With regards the ground floor windows, the existing hedge would screen these windows however, the hedge could be removed at any time. Of the 4 ground floor windows, 2 are to bathrooms which could be conditioned to be obscurely glazed if the proposal was considered acceptable, in case the internal layout of the property changes. The two windows to the lounge are secondary windows and these could be conditioned to be high level in this case, again if the proposal was considered acceptable. Therefore, there would be no detrimental overlooking from the ground floor windows.

With regards the first-floor balcony, this will be partially screened from the neighbour's private amenity space by their existing extension and the trees along the boundary beyond the extension, albeit again these could be removed, the private amenity space directly to the rear of No 386 would remain screened. Therefore, there would be no unreasonable overlooking of this neighbour's private amenity space.

Impact on No.390 Bradley Road

No. 390 is to the east of the property, an 'L' shaped bungalow where this property is approx. 3m from the shared boundary at the closest point which increases to approx. 11.5m at the rear. However, the relationship with this neighbour is more open due to boundary treatment being a low fence, where it is accepted this neighbour is slightly higher than the application site, albeit this is marginal by approx. 0.3m.

The proposed rear element would be approx. 3m away from the shared boundary and would project so it is in line with the front of the neighbour's garage, therefore, fully infilling the area and dominating the skyline. It is accepted that the ridge is set down from the host building and in from the shared boundary. However, given the size of the dwelling having an overall width of approx. 9.8m it is considered to have an overbearing impact on these neighbours given the current open vista between the properties.

With regards overlooking the proposed west facing elevation shows again 6 windows with 2 at first-floor, where 3 of the ground floor are in the same location as existing windows. It should be noted that a representation received quotes 11 windows overlooking the property which refers to the number of window panes rather than windows openings. The separation between the applicant's new kitchen window and the neighbour windows would be approx. 11.5m, where the boundary screening wouldn't prevent overlooking. Therefore, this window would need to be conditioned to be high level if the proposal was considered acceptable.

The proposed 2 new first-floor windows are to bathrooms which could be conditioned both to be a top opener and obscurely glazed in the event of the internal layout changing if the application was considered acceptable.

With regards the first-floor balcony, this would create a new relationship that currently doesn't exist, where the balcony isn't large enough to hold a large amount of people it would allow seating area. Furthermore there is no screening along this boundary so would allow for overlooking on the neighbour rear garden.

Therefore, given the above there would be overlooking from both the balcony area and from bedroom 3 at close quarters for neighbours either side and the mass of the development would have an overbearing impact on the amenities of no. 390 Bradley Road, the development would be contrary to policy LP24 and Principle 6 of the SPD.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Principles 12 and 19 of the Housebuilders design guide which seek to ensure acceptable levels of off street parking, adequate waste storage facilities are provided, are also considered to be of relevance.

In this case the existing drive will remain allowing access to the rear of the property, where the existing garage will be removed. However, the agent has supplied a plan to show 4 parking spaces can be achieved to the front of the property.

Whilst the submitted plan shows a parking dominated frontage, it is considered this could be addressed by the inclusion of a condition relating to parking / landscaping of the site which would ensure suitable areas of hard and soft landscaping would be provided.

Subject to condition it is considered the development would meet the aims of Policies LP21 & LP22 of the Kirklees Local Plan, policies within Chapter 9 of the NPPF, Highway Design Guide and principles 12 & 19 of the Council's adopted Housebuilders Design Guide.

5 – Other matters:

Carbon Emissions –

Principle 18 of the Housebuilders Design Guide sets out that new proposals should contribute to the Council's ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their reliance on sources of non-renewable energy. Proposals should seek to design water retention into 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 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 development would lead to improved performance over the previous dwelling terms of energy efficiency. It is recommended that any grant of permission requires the provision of one electric vehicle charging point, to improve the emissions impact of vehicles associated with the dwelling. Whilst there would be a level of carbon emissions involved in the demolition and construction phase it is considered the impact of the development would not be significant in this regard, with the longer term benefit of improved performance, and provision of electric vehicle parking outweighing this impact over time.

Biodiversity – Principle 9 requires that net gains in biodiversity are provided. The Biodiversity Net Gain Technical Advice Note sets out that minor developments are subject to the mitigation hierarchy outlined within Chapter 2.2 and will still be required to demonstrate a net gain for biodiversity. Chapter 2.2 of the advice note details a mitigation hierarchy of avoid, mitigate, compensate, offset and finally enhance.

It is considered that there is scope for a number of biodiversity enhancements which could be incorporated as part of the development. It is recommended this is ensured through the inclusion of a suitably worded condition upon any grant of permission. Subject to condition the proposal is considered to be acceptable in this regard.

Coal legacy – Policy LP53 of the Kirklees Local Plan and paragraphs 174 and 184 of the National Planning Policy Framework are relevant which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

The site is located within the Coal Authority's "Development Low Risk Area". There is no statutory requirement to consult the Coal Authority regarding development within the "Development Low Risk Area", instead an informative note can be appended to the decision notice which constitutes the deemed consultation response. The application site falls within an area at low risk of ground movement as a result of past mining activities as determined by the Coal Authority. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous

mining activity which may have taken place within the locality. It is recommended that the Coal Authority's standing advice is provided with any grant of approval. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with paragraphs 174 and 183 of the National Planning Policy Framework.

6 – Representations:

The application was publicised via neighbour notification letters, which expired on the 11.8.22, whereby two representations have been received, with the concerns raised addressed within sections 2 and 3 of this report.

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 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 taken as a whole..

Recommendation **REFUSE**

Decision Authorisation – Delegated Powers

Application Number: 2022/92168

Officer Recommendation: Refuse

1. The proposed dwelling, by reason of its siting, scale, mass and design would introduce an unsympathetic, incongruous and overly prominent form of development which would be detrimental to the visual character and appearance of the area. The proposal would therefore be contrary to Policy LP24 (a) of the Kirklees Local Plan, Principle 2 of the Council's adopted Housebuilders Design Guide SPD and Policies within Chapter 12 of the National Planning Policy Framework.

2. The proposed development, by reason of its siting, scale, design and proximity to neighbouring land would result in a loss of privacy to the occupiers of no. 386 Bradley Road and a loss of privacy and overbearing impact upon the residential amenity of the occupiers of no. 390 Bradley Road. To permit such a development would be contrary to policy LP24 (b) of the Kirklees Local Plan, Principle 6 of the Council's adopted Housebuilders Design Guide SPD and paragraph 130 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Block Plan 1:100 / Location plan 1:1250	2210/05E		8.12.22
Existing elevation & floor plans	2210/01		27.6.22
Proposed layout & elevations	2210/04G		9.12.22
Proposed layout & elevations with existing overlay	2210/06G		9.12.22

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 requested amended plans during the process of the application to seek amendments which would reduce the impact of the development on the visual & residential development amenity of nearby residents. This decision is based on the amended/additional documents submitted.

Report Dated: 9.12.22

Coal – Low