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:	**2022/62/92674/E**
Site Address:	473, Bradford Road, Birkenshaw, BD11 2DX
Description:	Erection of single storey rear extension and external alterations following demolition of existing conservatory
Recommending Officer:	Nicole Helliwell

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 10-Oct-2022

Officer Report

Reference No. 2022/62/92674/E
Site Address: 473, Bradford Road, Birkenshaw, BD11 2DX
Proposal: Erection of single storey rear extension and external alterations following demolition of existing conservatory

Site Description
The application relates to 473 Bradford Road, a detached bungalow located in Birkenshaw. The dwelling is constructed in random coursed stone and incorporates a dual pitch roof. The property benefits from a large driveway, an attached double garage and gardens to the front and rear. The neighbouring properties are of residential use and comprise bungalows and two storey dwellings of varying ages, architectural styles and materials.

Description of Proposal
The applicant seeks planning permission to construct a single storey rear extension and make external alterations to the rear of the dwellinghouse. The existing rear conservatory will be demolished to allow for the proposed works. The proposed single storey rear extension would project approximately 3.25m from the rear elevation of the original build. It would feature a maximum height of 3.45m and a height to eaves which ranges from 3.1m to 3.45m due to changes in ground level.

Relevant Planning History
2011/91830: Erection of single storey extensions. Planning application details | Kirklees Council

Representations
The application was advertised by neighbour notification letters, which expired on 21st September 2022. As a result of the above publicity, no representations have been received.

Consultation Responses
KC Environmental Health
We have reviewed application 2022/92674 and make the following comments and recommendations.

Contaminated land

The site is not on land identified as potentially contaminated. The proposed development involves ground works therefore it will be necessary to recommend a condition relating to unexpected ground contamination.

Construction Noise
Construction noise can give rise to loss of amenity to neighbouring noise sensitive receptors, for this reason a condition is necessary to limit the hours of operation for the site.

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 UNALLOCATED on the Kirklees Local Plan Proposals Map. The most relevant policies for consideration in this case are:

Kirklees Local Plan Policies
- **LP 1** - Achieving sustainable development
- **LP 2** - Place shaping
- **LP 21** - Highways and access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 30** - Biodiversity and geodiversity
- **LP 53** - Contaminated and unstable land

Kirklees Council adopted supplementary planning guidance on house extensions on 29th June 2021 which now carries full weight in decision making. 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 SPD 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 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 12** - Achieving well-designed places

Assessment

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 the NPPF. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with the House Extensions and Alterations SPD and Chapter 12 of the NPPF, regarding design.

In this case, the principle of development on the application site is considered acceptable, and shall be assessed against other material planning considerations, including visual and residential amenity, as well as highway safety.

1. **Visual amenity**

Key Design Principle 1 of the House Extensions & Alterations Supplementary Planning Document (SPD) does state that extensions and alterations to residential properties should be in keeping with the appearance, scale, design and local character of the area and the street scene. Furthermore, Key Design Principle 2 of the SPD goes onto state that extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and details.

Single Storey Rear Extension

The House Extensions & Alterations SPD states that single storey rear extensions should, as a guideline, be in-keeping with the scale and style of the original house, not exceed 4m in height, not project more than 4m from the rear elevation (in relation to detached properties) and should retain a gap of at least 1m to the property boundary.

The extension proposed would be single storey in height and would extend 3.25m from the rear elevation of the original dwellinghouse. The enlargement would be predominately finished in random course stone with ashlar stone facings to the rear elevation. Although the material palette would not entirely match the exterior of the host property, it would broadly conform with the appearance the original build and would be considered appropriate given the existing variety of materials within the street scene. It

is also noted that the enlargement would incorporate a flat roof. Whilst flat roofs generally constitute poor design, in this instance it would be deemed acceptable given that the extension would be sited to the rear of the dwelling with limited visibility from public view. In addition, the proposed extension would replace an existing flat roofed conservatory. Furthermore, the extension would retain a gap of 0.5m to the common boundary shared with no.2 Oakroyd View and would maintain a sense of space. On this basis, it is considered that the proposed development would respect the character and appearance of the host dwelling and wider street scene.

External Alterations

The application also seeks to alter the materials used for the roof trim of the existing rear dormer extension and the rear of the existing single storey rear extension. Given that the alterations would be minimal and would be to the rear of the dwellinghouse, it is considered that the proposal would respect the visual amenity of the surrounding area and would be acceptable in this regard.

Summary

Having taken the above into account, the proposed development would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extension would form a subservient addition to the property in keeping with the existing building, KDP 1 & 2 of the House Extensions and Alterations Supplementary Planning Document and the aims of Chapter 12 of the National Planning Policy Framework.

2. Residential Amenity

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account Policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light, Key Design Principle 6 on preventing overbearing impact and Key Principle 7 for outdoor space.

Impact on 6 Oakroyd View

The neighbouring dwelling to the rear of the application site is sited on higher ground and would occupy a position approximately 21.7m from the proposed single storey rear extension. Therefore, given that the separation distance is substantial, it is considered that there would be no undue harm

to the neighbouring occupants with regards to overlooking, overshadowing and overbearing impact.

Impact on No's 2 and 3 Oakroyd View
No.2 and no.3 Oakroyd View are residential dwellings sited south-west of the application site. It has been considered that there would be no additional harm to the residential amenities as a result of the proposed development given that the proposed single storey rear extension would be in place of the existing rear conservatory.

Impact on 475 Bradford Road
Due to the staggered building positions, the rear elevation of the proposed single storey rear extension would measure 8.8m from the rear elevation of no.475 Bradford Road. However, it is noted that the enlargement would be sufficiently screened by the occupant's existing extension and boundary treatment, such that there would be no detrimental harm to the neighbouring occupants.

Occupier Amenity
It is noted that sufficient outdoor amenity space of a functional layout would be retained at the application site. As such, the proposed development would ensure an acceptable standard of amenity for existing and future occupants.

Summary
Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key Design Principles 3, 5, 6 & 7 of the House Extensions and Alterations SPD and Paragraph 130 (f) of the National Planning Policy Framework.

3. Highway Safety
The proposal would not intensify the domestic use at the dwelling or affect the existing off road parking arrangements on site. It is also noted that the waste storage arrangement would remain the same as existing. For these reasons, the development is considered acceptable in accordance with Policies LP21 and LP22 of the KLP, Chapter 9 of the NPPF, Principles 15 and 16 of the Kirklees House Extensions and Alterations SPD and the Highways Design Guide SPD.

4. Other Matters
Carbon Budget

The proposal is a small-scale domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

Biodiversity

Whilst the site is in an area identified as being within a 'bat alert' layer on the Council's GIS mapping system, given that the proposed development is small scale, a footnote will be added to the decision notice to provide advice to the applicant should bats or bat roosts be found during construction.

Contaminated Land

The site has been identified as being within a high-risk coal area. Therefore, given that the proposed development involves ground works, to protect the amenity of the workforce and future occupiers of the development it will be necessary to recommend a condition relating to shallow coal workings and unexpected ground contamination. Additionally, a note will be added to the decision notice advising the applicant on how to proceed should any unexpected contamination be discovered during the works. KC Environmental Health also recommended a condition relating to construction hours; however due to the scale of the development, it is considered this would be acceptable as a note for the applicant.

5. Representations

No representations were received following the statutory publicity.

6. Negotiations

No amendments were sought or received during consideration of the application.

7. Conclusion

This application for a single storey rear extension and external alterations to 473 Bradford Road has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions and Alterations SPD, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed extension is considered to be acceptable.

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.

As set out above, 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: 2022/92674
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 to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles 1 & 2 of the House Extensions and Alterations SPD and the aims of the National Planning Policy Framework.

3. The proposed single storey extension herby approved shall be faced in random coursed natural stone with an Ashlar stone face to the rear elevation in accordance with plan reference no. 384-4. The extension shall thereafter be retained with this finish.
Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles 1 & 2 of the House Extensions and Alterations SPD and the aims of Chapter 12 of the National Planning Policy Framework.

4. In the event that contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Paragraph nos. 178 and 179 of the National Planning Policy Framework

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2019. Reports must be prepared in accordance with the following guidance:

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours, Mondays to Fridays
- 08.00 and 13.00hours, Saturdays
- With no working Sundays or Public Holidays

In some cases, different site-specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule: -

Plan Type	**Reference**	**Date Received**
Existing Plans	384.1	09/08/2022
Existing Elevations	384.2	09/08/2022
Proposed Plans	384.3	09/08/2022
Proposed Elevations	384.4	09/08/2022
Site Plans	384.5.2	05/10/2022
Site Location Plan	384.6	09/08/2022

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 Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. In this case, the design of the original scheme has been found acceptable. No further amendments or details were sought thereafter.

Report Dated: 25/08/2022