

**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:	2022/62/92772/W
Site Address:	3, Bradley Grange Gardens, Bradley, Huddersfield, HD2 1QX
Description:	Erection of 2 storey rear extension
Recommending Officer:	Laura Eddey

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.

John Holmes

AUTHORISED OFFICER

Date: 06-Dec-2022

OFFICER REPORT 2022/92772

3 Bradley Grange Gardens, Bradley

SITE

3 Bradley Grange Gardens is a two-storey detached dwelling located towards the entrance of a cul-de-sac in Bradley, north Huddersfield with similar sized detached properties. It has a lawn and ample parking to the front of the property and a sizeable garden to the rear. It is set back from the neighbouring property to the east, and forward of the property to the west. There is access to the rear garden past the side of the house.

The site is in a low-risk area for coal mining.

PROPOSAL

The proposal is for a small two-story rear extension in matching red brick and grey double roman roof tiles. Plans are to infill a recess at the northwest corner of the property that measures 2.9 m by 1.8 m. The rear wall will be brought forward to meet the line of the existing rear wall, and the side elevation extended to the same. The position of the rear door will remain the same, but with the existing window reduced in size with the installation of a new white uPVC window (0.8 m x 0.6 m) and moved to the right. A new white uPVC dormer window (1.2 m x 0.8 m) will be introduced on the second-floor side elevation, which will be opaque glazed. The style will match an existing dormer window. The extension will provide an ensuite bathroom to the first floor and a bathroom and steam room to the ground floor. Access to the property via the side will be unaffected.

PLANNING HISTORY

There is no planning history.

PUBLICITY & REPRESENTATIONS

The application was publicised by means of neighbour notification letter in accordance with Table 1 of the Council's Development Management Charter.

The period of publicity expired on 4th November 2022 and no representations were received.

CONSULTATIONS

No consultations were sought

POLICIES

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 Local Plan.

The following policies are considered relevant to the consideration of this application: -

Local Plan:

LP1: Achieving Sustainable Development

LP2: Place Shaping

LP22: Parking Provision

LP 24: Design

Supplementary Planning Documents:

KC House Extensions and Alterations Supplemental Planning Document (SPD) adopted June 2021

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 – Requiring good design

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

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) Access and Highway Safety
- 4) Other matters – e.g. trees/ecology (e.g. bats)
- 5) Representations

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”.

The site is without designation in the Local Plan.

In this case, it can be stated that the principle of development is acceptable subject to the assessment of impacts on visual and residential amenity, as well as other matters which will be discussed as follows.

2 – Impact on visual amenity:

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality.

Key Design Principles 1, 2, 3, 4, 6 and section 5.1 (Rear Extensions) of the SPD set out general guidelines for assessing impact on visual amenity, privacy, habitable rooms and side windows, preventing overbearing impact and the SPD advice on side extensions.

KDP 1 - Local character and street scene – Extensions and alterations to residential properties should be in keeping with scale design and local character of the area and the street scene.

The alterations to the property will be predominantly to the rear and the local character and street scene will be unaffected.

KDP 2 – Impact on the original house – Proposals 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.

The design proposal is in keeping with the appearance of the existing house. The new window will be similar in design to the existing window with the property extended with matching brick and roof slates.

KDP 5.1 Rear extensions – Any rear extension should maintain the quality of the residential environment and related well to neighbouring buildings. This includes preserving a back garden of a reasonable size, being set behind the building and not projecting beyond the sides, and generally not visible from the street. Access to the rear should be maintained.

The proposal satisfies the advice given in the SPD in terms of its size, position and quality. The rear extension is a small, simple infill extension to make use of void space that is small and otherwise used for extra patio space. Access to the rear garden past the side elevation is unaffected. The size of the garden is maintained, and the rear extension will appear similar to the current form, with only a change in the size of the position of the ground floor window. The new first floor dormer window will match the existing window and be opaque glazed.

To conclude, the development is compliant with Policy LP24 of the Local Plan and Principles 1 - 6 and section 5.1 of the SPD.

3 – Impact on 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. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

KDP 3 – Privacy – Proposals should be designed to achieve reasonable levels of privacy for inhabitants, future occupiers and neighbours.

The proposed window will be opaque glazed as it will serve a new ensuite bathroom therefore, privacy is maintained.

KDP 4 – Habitable rooms and side windows – Proposals should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light and outlook.

The infill of a void space will not significantly affect the neighbouring property as the extension will match the form and shape of the existing house.

KDP 5 – Overshadowing/loss of light – Extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbourhood property.

The proposed extension will not significantly overshadow or cause loss of light to the neighbouring property given the scale of the proposal.

KDP 6 – Preventing overbearing impact – Proposals should not unduly reduce the outlook from a neighbouring property.

The proposal will extend the existing roof and side wall away from the neighbouring property. The roof is sloped and will not affect the outlook from the neighbouring property. The applicant property is set behind the neighbour to the west, who would be most affected by the proposal. The extension is a simple infill proposal, which follows the existing building and roof line that slopes away from the neighbouring property. The addition of a side window will not have a significant impact on overlooking as it is an obscure glazed window serving an ensuite bathroom. There is no significant level of overshadowing or loss of light and the design of the proposal will not create any significant level of overbearing impact.

The proposal is not considered to significantly affect the level of amenity space provided for the host property. It is therefore concluded that the proposal would have an acceptable impact in terms of visual amenity, in accordance with the aforementioned policies.

4 – Access and Highway Safety:

Policy LP22 of the Kirklees Local Plan, and the Council's adopted Highway Design Guide and Key Design Principles 15 and 16 of the adopted House Extensions & Alterations SPD seek to ensure that acceptable levels of off street parking / waste storage areas are retained and are also considered to be relevant.

The proposal would not significantly increase the living accommodation at the site, the parking standard for a dwelling of this size is 3 spaces. Given the proposal would not increase the living accommodation in terms of creating

more bedrooms it is considered that it would be unreasonable of the LPA to insist upon details in relation to off street parking provision in this case.

5 – Other matters:

Contamination

The site is within the consultation zone of a hazardous materials site. Policy LP53 of the Local Plan states that where contamination may be an issue development which cannot incorporate suitable and sustainable mitigation measures which protect the well-being of residents will not be permitted. The site is within a 'low risk' coal area. The standing advice of the Coal Authority is that for this type of development a note should be applied to the decision notice alerting landowners and developers to the risks associated with coal mining legacy. This advisory note is sufficient to address coal mining risk in these circumstances.

Biodiversity:

The site is not in the bat alert layer nor in any other zone designated for the purposes of biological conservation. In these circumstances, and since the proposal is for the extension of an existing dwelling, it is considered that it would not be reasonable or proportionate to seek to achieve biodiversity net gain.

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. KDP 8-11 of the SPD set out a series of issues that might be applicable to certain applications.

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.

5 – Representations: None received.

6 – 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: 2022/92772

Officer Recommendation: Conditional Full Permission.

Conditions

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 with Policies LP1, LP2, LP22 and LP24 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 of the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapters 2, 12 and 14 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 and be retained thereafter.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles 1 and 2 of the House Extensions and Alterations Supplementary Planning Document and policies within the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Proposed and Existing Ground Floor Plan	HD21QX3-v2 – page 1 of 3		12/9/22
Proposed and Existing First Floor Plan	HD21QX3-v2 – page 2 of 3		12/9/22
Proposed and Existing Elevations	HD21QX3-v2 – page 3 of 3		12/9/22
Location Plan			27/9/22

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

Report Dated:

5th December 2022