# 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: | **2022/62/92914/W** |
| Site Address: | 539, Bradford Road, Fixby, Huddersfield, HD2 2LH |
| Description: | Erection of attached dwelling forming annex accommodation associated with 539, Bradford Road, Fixby, Huddersfield, HD2 2LH |
| Recommending Officer: | Tom Hunt |

**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:** 9th November 2022

# Officer Report

## Site Description

2022/92914 – 539, Bradford Road, Fixby, Huddersfield, HD2 2LH

The application site relates to a white rendered, detached bungalow with a flat roof dormer, a hardstanding area to the front, a driveway, and a large garden and small porch extension to the side and a rear extension serving a garage. The boundary treatment comprises high hedges, mature trees and low stone wall.

The locality is residential, characterised by hipped roof detached bungalows constructed in various materials. The application site and the adjoining sites slope gradually upward from the south-east to the north-west and are on raised ground to the highway. The properties in this area are relatively prominent within the street scene because of the aforementioned topography.

It is not within a Conservation Area, not a Listed Building or affecting the setting of, and is not adjacent to a PROW.

## Description of Proposal

Erection of attached dwelling forming annex accommodation associated with 539, Bradford Road, Fixby, Huddersfield, HD2 2LH

The proposal would be attached to host by its existing side extension and set back ~4.8m from the primary elevation of its host. Dimensions would be as set out below:

> ~9.05m deep x ~9.95m wide x ~2.5m high with a flat topped hipped style roof ridge of ~3.3m from ground level.

External walls to be in matching colour render and roofing materials to be interlocking tiles. It would have two bedrooms, a bathroom, open plan lounge/kitchen/dining room. It would have openings to front, southwest and rear elevation.

## History of negotiations/amendments received

The case officer considered the application on review and sought no amendments as it met LP policies on visual and residential amenity.

## Relevant Planning History

2003/94948 – Erection of Dormer Extensions. Decision: Conditional Full Permission.

2018/91792 – Erection of attached dwelling forming annex accommodation associated with 539, Bradford Road, Fixby, Huddersfield, HD2 2LH. Decision: Conditional Full Permission.

**Representations**

We are currently undertaking 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: 11/10/2022

No representations have been received.

**Consultation Responses**

No technical consultees required.

**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. It is within a Bat Alert layer, a historic landfill buffer area and a Low Coal Risk Area.

**Kirklees Local Plan (LP):**

- **LP 1 – Presumption in favour of sustainable development**
- **LP 2 – Place shaping**
- **LP 3 – Location of new development**
- **LP 21 – Highways and access**
- **LP 22 – Parking**
- **LP 24 – Design**
- **LP 27 – Flood risk**
- **LP 28 – Drainage**
- **LP 30 – Biodiversity & Geodiversity**
- **LP 53 – Contaminated and unstable land**

**Supplementary Planning Guidance**

- Highways Design Guide SPD
- House Extensions and Alterations SPD
- Waste Management Design Guide for New Developments (Oct 2020, v.5)

**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 3 – Plan-making
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

**Assessment**

The following matters are considered in the assessment below –

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

1 – Principle of development:

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."

In addition, Policies within LP24 of the Local Plan and Chapter 12 of the NPPF will guide the proposal's impact on achieving good design. In this case, it could potentially be acceptable, subject to the assessment of impacts on visual and residential amenity and highway safety.

2 –Impact on visual amenity:

In terms of visual amenity, general design considerations are set out in Policy LP24 of the Local Plan, the 'House Extensions and Alterations SPD' and Chapter 12 of the NPPF, which seek to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity.

LP24 of the Kirklees Local Plan requires extensions to be "subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details".

In addition of particular relevance, Principle 1 – Local character and street scene and Principle 2 – Impact on the original house, relate to visual amenity within the 'House Extensions and Alterations SPD'.
While this is a proposal for an annex accommodation it is still noted that in theory this could be self-supporting due to shower-room, bedrooms and living quarters within the building. This was previously approved under application number 2018/91792 with a condition to limit this to an ancillary dwelling forming annex accommodation. Since then the Kirklees Local Plan and House Extensions and Alterations SPD have been adopted since 2018. The building is attached to the original host dwellinghouse via an existing porch side extension. As such it is assessed under design guidance in section 5.3 of the House Extensions and Alterations SPD to remain consistent as it would not be a dwellinghouse in its own right.
Side extensions should be located and designed to minimise the impact on the host and the local character of the host. This design would achieve this by limiting its bulk and massing to its roof form, having a set back of ~4.8m from the primary elevation and would be moderately over 2/3rd the width of the original host (by 0.6m) to appear subordinate to the host's larger form. While it is normally advised that a set back of a minimum 0.5m from the primary elevation is necessary to achieve the required depth for an extension to appear well-designed, the considerable ~4.8m set back would ensure that the wider width of the extension would not have an undue impact on the host's character and form and be clearly viewed as an extension. The materials would be to match the host to ensure that it would appear complementary to the host and to existing dwellings in the locality.
The proposal would also retain sufficient landscaped garden space to ensure that the scheme does not represent an overdevelopment of the site and would share a common porch, existing hard standing for parking and garden with no additional separate facilities emphasising its ancillary use. It would have a small path laid with paving to the front for the bifold doors to facilitate movement to the shared path which would be a small addition with low impact on visual amenity and plans do not indicate that this would be raised.
The proposal is therefore regarded as acceptable for permission in this regard as it would not significantly harm the visual amenity of the area and be acceptable and accord with Policy LP24 of the Local Plan and the 'House Extensions and Alterations SPD'.

<u>3 – Impact on residential amenity</u>:

Section B and C of Policy LP24 of the Kirklees Local Plan states that alterations to existing buildings should:

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

Further to this, Paragraph 130 of the National Planning Policy Framework 2021 states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Principle 3 of the Kirklees Householder Extensions and Alterations SPD sets out that extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours. In addition, Principle 4 notes that extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light and outlook. Furthermore, Principle 5 states that extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property, and recommends that a horizontal 45 degree line from a neighbouring habitable room window is not breached. Principle 6 states extensions and alterations should not unduly reduce the outlook from a neighbouring property.

The proposed extensions and alterations are assessed upon whether they would have a detrimental effect on residential amenity, adjoining dwellings or any occupier of adjacent land by way of overshadowing, overbearing or overlooking and also in terms of its design, size and visual amenities.

The property to the rear at 23 The Dell is on raised ground and the shared garden boundary benefits from green screening sufficiently dense to ensure no detrimental overlooking, overshadowing and overbearing.

The property to the south at 535 Bradford Road has a detached garage in the approximate position of the proposed development's single flank window and the two properties benefit from heavy green screening to their shared garden boundary. In addition, the single-storey development would be ~ 8.3m to boundary and north of the property. For these reasons there would also be no overlooking, overshadowing and overbearing impact to this neighbour to the south.

*Future Occupiers*

With reference to Principle 7 of the House Extensions and Alterations SPD, the proposal would still retain a substantial, outdoor amenity space available to future and present occupiers. The garden is well screened by dense green screening to garden boundaries which would achieve excellent standards of privacy despite the garden being largely to the front and side of the host.

The proposed annex accommodation would have two bedrooms which would meet Nationally Described Space Standards (NDSS) for double bedrooms at ~11.9sq.m. with daylighting achieved through a dedicated window each. There is no storage to the attached ancillary accommodation which would be mitigated by the host's own storage capabilities being a larger property, and the accommodation proposed being an annexe only and not a separate dwelling. A condition will ensure that the building is used ancillary to No. 539 Bradford Road and not rented out or sold as a discreet dwellinghouse in its own right in order to preserve residential amenity from intensified use to comply with LP24b.

The proposal would then therefore be in general conformance with LP24b of the Kirklees Local Plan and the principles relating to residential amenity of the House Extensions and Alterations SPD and Chapter 12 of the NPPF

4 – Impact on highway safety:

Turning to highway safety, Policies LP21 and 22 of the Local Plan and Principle 15 – Provision for parking and Principle 16 – Provision for waste storage of the adopted 'House Extensions and Alterations SPD' have been considered along with the KC Highway Design Guide SPD and Chapter 9 of the NPPF.

The Highways Design Guide advises that new or intensified occupancy dwellings should have sufficient off-street parking spaces to meet need, adequate bin storage space and to ensure on street parking impact is limited.

The development proposal would intensify the residential use at the application site by adding to two bedrooms to the existing planning unit however this is balanced by the use being ancillary and the condition placed on it to remain as such without being let or sold as a separate dwellinghouse. The existing parking and bins arrangement would not be affected as it would be within the landscaped garden. There remains sufficient remaining parking spaces within the site to ensure the needs of the existing and the future occupants are met without undue additional harm to highway safety.

5 – Other matters:

*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, this includes Key Design Principles 8-11 of the SPD.
Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development. The proposal would have a new ancillary dwelling space benefiting from modern building standards for insulation and energy efficiency to aid in a small and low impact building in terms of energy use.
*Drainage*
The site is within a low probability Flood Risk Zone and the proposed development would be within a large landscaped garden which would be largely retained and therefore this would have no conflict with Policy LP27

and LP28 of the Kirklees Local Plan and Principle 14 of the House Extensions and Alterations SPD.

*Biodiversity*

Whilst considering Biodiversity, Principle 12 – Natural environment, Principle 13 – Vegetation and tree planting of the adopted 'House Extensions and Alterations SPD' in conjunction with LP 30 of the Kirklees Local Plan is relevant.

The proposal would still retain a large area of landscaped garden which would aid in the development being softened visually and its green hedging would be retained being in general accordance with principle 12 and 13 of the House Extensions and Alterations SPD.

Whilst it is acknowledged that the site is located within an identified bat alert area, close to Upper Fell Greave (Ancient Woodland and Kirklees Wildlife Habitat Network), the proposals are relatively modest attached to an existing conservatory style porch entrance and therefore considered unlikely that the proposals would have an impact on the bat population. An informative has been provided however, making the applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.

*Contaminated and unstable land*

The site is within a historic landfill buffer area and a precautionary condition is therefore attached to the recommendation setting out the applicant's, or any appointed persons acting on behalf of the applicant, duties to stop groundworks if unexpectedly contaminated land is found. This would be in general accordance with LP53 of the Kirklees Local Plan and the interests of public safety considering the minor level of development proposed.

6 – Representations:

No representations had been received.

7 – Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

**Recommendation** **Approve**

**Decision Authorisation - Delegated Powers**

**Application Number**: 2022/92914

**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 accord with Policies LP01, LP02, LP21, LP22, LP24, LP27, LP28, LP30 and LP53 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16 & 17 of the Council's House Extensions & Alterations Supplementary Planning Document, and Policies within Chapters 2, 3, 12, 14 and 15 of the National Planning Policy Framework

3. The external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building.
**Reason**: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

4. The annex accommodation hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as No. 539 Bradford Road, Fixby, Huddersfield, HD2 2LH. It shall not be sold or let independently to No. 539 Bradford Road, Fixby, Huddersfield, HD2 2LH.
**Reason:** To ensure that the annex is used solely as ancillary accommodation to the main dwelling house in the interests of highway safety, residential amenity of future occupiers and adjoining occupiers in accordance with

Policies LP21 and LP24b of the Kirklees Local Plan, Principles 7 and 15 of the House Extensions and Alterations SPD and Chapters 2, 12 and 13 of the National Planning Policy Framework and Highway Design Guide SPD (2019).

5. In the event that contamination 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 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. Unless otherwise approved in writing by the Local Planning Authority, No part of the site shall be brought into use until such time as 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 public safety as the site is within a historic landfill buffer area on the Council's mapping system and a precautionary condition and to comply with LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

**FOOTNOTE:**
All contamination reports shall be prepared in accordance with Model Procedures for the Management of Land Contamination – Contaminated Land report 11 (CLR11), National Planning Policy Framework (NPPF) and the Council's Advice for Development documents or any subsequent revisions of those documents.

**FOOTNOTE:** The site is located within the Kirklees Bat Alert Layer and there is an increased potential for roosting bats. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2017 (as amended) and Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). 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.

Plans and specifications schedule:-

| Plan Type | Reference | Version | Date Received |
|---|---|---|---|

| Plan Type | Reference | Version | Date Received |
|---|---|---|---|
| Location Plan. | Drawing No. 1139 01 LP. | Unamended | 01/09/2022 |
| Existing Site Plan, Block Plan and Elevations. | Drawing No. 1139 01 04. | Unamended. | 01/09/2022 |
| Proposed Site/Block, Floor and Elevation Plans. | Drawing No. 1139 01 02. | A | 01/09/2022 |

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. The case officer considered the application on review and sought no amendments as it met Local Plan policies and the Principles within House Extensions and Alterations SPD on visual and residential amenity.

**Report Dated:** 08/11/2022