

**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:	2023/62/91051/E
Site Address:	141, Toftshaw Lane, Bradford, BD4 6QS
Description:	Erection of single storey rear extension and extension of existing raised patio
Recommending Officer:	Katie Wilson

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.

Emma Thompson

AUTHORISED OFFICER

Date: 22-Sep-2023

bHOUSEHOLDER DELEGATED REPORT

Application Number	2023/91051
Location	141, Toftshaw Lane, East Bierley, BD4 6QS
Proposal	Erection of single storey rear extension and extension of existing raised patio
Publicity end date	26 th May 2023
Number of representations received	None
Kirklees Local Plan Allocation/Designation	Proposed development on unallocated land, part of remaining site is in the Green Belt.
Extension to Time (EoT)	Yes EoT 22.09.2023
Recommendation	Conditional Full Permission

	NO	YES
Applicant a Council Member or Officer in Investment and Regeneration (Skills and Regeneration)	✓	
Contrary to previous decision	✓	
Called in by Ward Member	✓	
Significant number of representations received	✓	

If 'No' to all above, proceed with a fast track report

By indicating that the development proposal complies with relevant national and local policy and the 'House Extensions and Alterations' Supplementary Planning Document, the planning officer is taking into account the information submitted with the application, any previous relevant applications, observations during any site visit, any comments received in connection with the application and any other considerations which are material to the decision.

Policy

National

National Planning Policy Framework (NPPF) July 2021
National Planning Practice Guidance (NPPG)

- NPPF Chapter 2 – Achieving sustainable development

- NPPF Chapter 12 – Achieving well-designed places
- NPPF Chapter 13 – Protecting Green Belt Land
- NPPF Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Local

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 51** – Protection and improvement of air quality
- **LP57** – Extensions and alterations in the Green Belt

Supplementary Planning Document ‘House Extensions and Alterations’ (2021).

- Key design principle 1: Local character and street scene
- Key design principle 2: Impact on the original house
- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 10: Renewable energy
- Key design principle 11: Water retention
- Key design principle 12: Natural environment
- Key design principle 13: Vegetation and tree planting
- Key design principle 14: Drainage and flood risk
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

	YES / NO	SUMMARY
Negotiations/Amendments during course of application	No	
Parish/Town Council comments sought	N/A	

Planning History		1995/92160 – Erection of garage and utility extension. Conditional full permission. 2013/91344 – Erection of stables and formation of riding arena. Planning application details Kirklees Council 2013/93482 – erection of extension to garage to form grannie annex. Conditional full permission. Planning application details Kirklees Council 2014/91343 – Discharge condition 3 and 7 of previous permission 2013/91344 Planning application details Kirklees Council
Consultations required	Yes	Bradford District Council – No reply.

Assessment

The Kirklees SPD sets out that a single storey rear extension should comply with certain parameters set out at paragraph 5.6 on page 24 (and listed below) and if they do not, they need to be justified:

Single storey rear extensions should:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
Be in keeping with the scale and style of the original house.	Yes – in officers' opinion the proposed extension would improve the appearance of the host building, replacing a older conservatory style	

	extension with an extension with more solid walls, faced in coloured render, and a combination of bi-folding doors and picture windows, which would update the appearance of the house.	
Not normally cover more than half the total area around the original house (including previous extensions and outbuildings)	Yes – there is a large extension annex to the eastern side of the house, but the current proposal would retain almost all of the external area around the house.	
Not exceed 4 metres in height	No	The overall height of the proposed rear extension is would be approximately 4.8m. This is due to the land level being slightly lower at the back as is slopes gently down in a south westerly direction. The apex of the proposed mono-pitched roof would still be below the sill level of the first floor windows and the angle of pitch would be similar to the host dwellinghouse, with relatively modest projection. As such the additional height is considered not to adversely affect visual amenity. Nor would it have a harmful impact upon residential amenity in terms of scale as it

		would be screened by an existing larger extension to one side and to the opposite side there would be a separation distance of approximately 8.0m. No openings are shown in the proposed side elevation and so it is considered that there would be no significant overlooking impacts either.
Not project out more than 3 metres from the rear wall of the original house for a semi-detached or terraced house, or by 4 metres for detached properties	Yes, it would project approximately 2.5m	
Where they exceed 3m in length the eaves height should generally not exceed 2.5 metres; and	N/A as the projection would be less than 3.0m	
Retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.	Yes	

Design and Visual Amenity: Are the considerations in the following table acceptable?

Summary of local street scene/character:

The application site is within a row of houses that line the southern side of Toftshaw Lane. The houses are mainly detached and two-storey with natural stone or off white rendered walls, and dual pitched roofs. Several have

conservatories at the rear and detached garages. Most are set back from the road side with gardens and drives to the front and moderately sized gardens at the rear with southerly aspects over open fields or stable yards (in the Green Belt) on land that slopes gently down and away from the back of the houses.

On the opposite side of the road there are a few houses and a complex of factory buildings with trees around the perimeter. This land is within Bradford Metropolitan Council.

Consideration has been given here in terms of the proposal's impact on the local character and street scene, including subservience, terracing and building line

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on the Local character and street scene	• KDP1 of the SPD • Policy LP24 Design (a) and (c) of the KLP • Chapter 12 NPPF	The proposal would replace an existing lean-to conservatory which fills the width of the house and opens out onto existing patio at one end. The proposed extension would have a more solid construction with rendered walls and a mono-pitched roof surfaced in tiles. However, there would be three, floor- to-ceiling windows and set of four bi-folding doors on the rear elevation opening onto enlarged patio, and three roof lights. The proposal would have very limited impact upon the streetscene, as it would be screened by the host building and neighbouring properties.	

		Several other houses in the same row have various extensions and raised patios at the back taking advantage of southerly aspect and long distance view over fields. As such it is considered that this one would blend in quite comfortably with the local character.	
Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	The proposed single storey rear extension would appear subservient to the original part of the house. It would also be designed with matching exterior materials and sympathetic roof design. The window and door openings would be more contemporary and are considered to update and complement those on the host dwellinghouse. The raised patio would be enlarged by approximately 50%, but designed in a similar way and would be relatively modest in scale in relation to the existing house and back garden. As such it is considered that it would be a satisfactory contemporary replacement for the existing conservatory and it would harmonise with the host dwellinghouse.	
Height, scale and massing	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c)	The original house is thought to be a relatively large 2-storey detached house.	

	- and (d) of the KLP - Chapter 12 of the NPPF	For the reasons given above it is considered that the proposed development would be subordinate to the host dwellinghouse.	
Facing materials and detailing	- KDP 9 of the SPD - Policy LP24 Design (d) (iii) of the KLP - Chapter 12 of the NPPF	As mentioned above, all the external materials would be to match the existing, and the contemporary windows and doors would blend in successfully. These materials and design details are considered acceptable as a contemporary update to this house.	
Roof style	- KDP 1 and 2 of the SPD - Policy LP24 Design (a), (c) and (d) of the KLP - Chapter 12 of the NPPF	As above.	
Window proportions	- KDP 1 and 2 of the SPD - Policy LP24 Design (a), (c) and (d) of the KLP - Chapter 12 of the NPPF	The window proportions are similar but slightly taller than the existing but would update and blend in with the existing house. The new glazing is considered acceptable.	
Accessibility for all users	- KDP 17 of the SPD - Policy LP24 Design (f) - Chapter 12 of the NPPF	Private domestic extension which would not change the existing access into / around the property.	

The design of the proposal is therefore acceptable and accords with policies LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Residential Amenity: Are the considerations in the following table acceptable?

The main properties affected are:

- Nos 137, Toftshaw Lane – it is a detached, 2-storey house to the north east of the application site. It fronts directly onto Toftshaw Lane and its rear elevation is approximately in line with the front building line of the house at the application site.
It also has a single storey, full width conservatory at the back which appears to be similar to that being replaced at the application site.*

An existing side and rear extension which provides annex accommodation at the application site would screen the proposed extension and patio from this neighbouring house. As such there would be no overlooking, overshadowing or overbearing impacts.

- No 145, Toftshaw Lane – This is another two-storey detached house. It is located to the west of the application site. It has been extended to the side and has a large, raised patio at the back. Its side elevation is parallel to the side of the house at the application site with wide drive and tall trees along the boundary.*

In terms of overlooking, the proposed extension would be at ground floor level and have no openings in the facing elevation. There would also be a gap of around 10.0m between the facing elevations with tall evergreen hedge in the intervening space. As such it is considered that there would be no significant invasion of privacy issues.

For the same reasons it is considered that there would be very limited, if any, overshadowing or overbearing impacts on the occupiers of this neighbouring house.

- Wide access drive, stables and riding arena are to the south and south west of the application site. It is considered that the impact on this land would be very similar to the existing conservatory which would be replaced and existing patio, and as such this impact would be acceptable.*
- Other neighbouring properties are further away and screened either entirely or to a very great extent by the existing house at the application site.*

	Relevant key design principle (KDP) of the SPD, Policy in	Further comments	✓ / X / N/A
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	the Kirklees Local Plan and the NPPF		
Impact on privacy of neighbours	• KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	As described above, surrounding properties to the north, east and north east would be screened by the host dwellinghouse and an existing extension annex to house. A neighbouring house to the west would have a side elevation facing the side of 141, Toftshaw Lane. However, there would be a separation gap of approximately 10.0m and tall evergreen hedging in the intervening space. Furthermore, there would be no openings in the facing side elevation of the proposed extension and the patio would be set a further 7.0m away. As such it is considered that there would be no privacy issues. Land to the south and west is used for equestrian purposes and it is considered that the impact upon it would be very similar to the conservatory that would be replaced and is therefore acceptable.	
Impact on light and outlook of neighbours	• KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF	Please see above.	

Remaining garden space of application property	• KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF	As the proposed development would replace existing conservatory on very similar footprint, and the patio extension is modest in scale, the existing garden space would be relatively unaffected. As such it would comply with the relevant policies.	
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The proposal is therefore acceptable in terms of residential amenity and accords with policy LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Highways and Parking: Are the following acceptable?

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on highway safety	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	The proposed development would not impact upon existing access to the highway and complies with relevant policies.	
Parking provision	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	The proposed development would not require additional parking provision, nor would it affect the existing parking arrangements.	
Provision for waste storage	• KDP 16 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	The proposed development would not affect the existing arrangements for the storage and collection of household waste.	

The proposal is therefore acceptable in terms of highways and parking and accords with policies LP21 and LP22 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Other matters: Are the following acceptable?

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on trees	• KDP 13 of the SPD • Policy LP24 Design (d) (i) (iv) Policy LP33 Trees • Chapter 12 of the NPPF	No trees would be affected by the proposed development	
Impact on ecology	• KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF	Not applicable	
Carbon Budget / Climate change statement	• KDP 8, 9, 10 & 11 of the SPD • Policy LP51 • Chapter 14 of the NPPF	Small scale domestic development to an existing dwelling. As such, no special measures required in terms of the planning application with regards to carbon emissions.	✓
Drainage and Flood Risk	• KDP 14 of the SPD • Policy LP24 (d) (vii), LP27 and LP34 of the KLP	The proposed development is not located within an identified Flood Risk Zone 2 or 3 area. Surface water run-off would be towards rear garden..	✓
Contaminated land.	• Policy LP52 and LP53 of the KLP	Not applicable.	
Green Belt issues	• Policy LP57 of the KLP and chapter 13 of the NPPF	The southern half of the application site is in the Green Belt, however the proposed single storey rear extension and enlarged patio are on land without notation. Given that the proposed development is similar in	

		scale to the conservatory it would replace, the patio is relatively small, and the materials would be to match the existing, it is considered that the proposal would have very limited impact upon the setting of the Green Belt.	
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The proposal is therefore acceptable in terms of the above listed other matters and accords with policies set out in the Kirklees Local Plan, the SPD and the NPPF.

Representations, including Parish/Town Council comments:

Summary of Representation	Officer response	Addressed N/A
None		

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: **CONDITIONAL FULL PERMISSION**

Decision Authorisation - Delegated Powers**Application Number:** 2023/91051**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 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 & Alterations Supplementary Planning Document and Policies within Chapters 2, 9, 12 and 14 of the National Planning Policy Framework

3. The external walls and roof of the single storey rear 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 in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, Principles 1 and 2 the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapter 12 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: 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 3.00hours, 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	Version	Date Received
Location plan, block plan, site plan, ground floor plan and rear and side elevations, survey as existing	Dwg no. 01	Rev A	5 th April 2023
Location plan, block plan, site plan, ground floor plan and rear and side elevations as proposed	Dwg no. 02	Rev A	5 th April 2023
Climate change statement			5 th April 2023

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. It was not considered necessary to seek any amendments/further information during the course of this application.

Report Dated: 19.09.2023

