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:	**2023/62/91079/W**
Site Address:	132, Bradley Road, Bradley, Huddersfield, HD2 1QY
Description:	Erection of single storey rear extension and external works, including application of white render to external walls, formation of vehicular access to Bradley Road and parking area
Recommending Officer:	Lucy Taylor

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: 25-Aug-2023

Officer Report.

Reference: 2023/91079

Location: 132, Bradley Road, Bradley, Huddersfield, HD2 1QY

Proposal: Erection of single storey rear extension and external works, including application of white render to external walls, formation of vehicular access to Bradley Road and parking area

Site Description.

132 Bradley Road is a two-storey semi-detached property located in Bradley, Huddersfield. The external walls of the property are faced in pebble dashed render and the hipped roof above is infilled with clay tiles. The property fronts the highway of Bradley Road, set back by approximately 10 metres. The property does not benefit form any off-street parking. Outdoor garden amenity space is available to the front and rear of the property.

Within the wider streetscene of Bradley Road, there is a mix of property types, styles and designs established. However, the adjoining property and properties directly west share a similar style of design and construction, two-storey, semi-detached and faced in render.

Description of Proposal.

Planning permission is sought for the erection of a single storey rear extension and external works, including application of white render to external walls, formation of vehicular access to Bradley Road and parking area.

Single Storey Rear Extension:

The proposed rear extension would have the following dimensions:

- Projection – 4 metres
- Width – 6 metres
- Eaves Height – 2.6 metres
- Ridge Height – 3.4 metres

The external walls of the extension would be faced in white render and the lean-to roof infilled with concrete tiles.

Glazed bi-fold doors are proposed to the rear elevation of the extension and roof lighting is proposed in the form of three velux windows within the lean-to roof.

External Works to Host Property:

The walls of the host property are to be re-faced in white render.

The existing door to the side elevation is to be partially walled up to form an obscurely glazed window opening.

One of the first-floor windows to the rear elevation is to become obscure glazed.

External Works for Access/Parking:

Two off street parking spaces are to be created to the front of the property, with the front garden to be hard surfaced in permeable paviours. The existing boundary wall across the frontage of the site will be removed to facilitate access to the parking spaces off Bradley Road.

The existing grassed area to the front of the site on the public pavement will be replaced with a tarmac surface.

History of Negotiations.

The case officer raised concerns for the original scheme submitted with regards to the size/scale of the proposed rear extension in terms of the design requirements of the House Extensions and Alterations SPD and potential impacts to residential amenity.

In response, the Planning Agent / Applicant provided a justification statement with regard to the needs of the occupiers and also a set of amended plans to alter the floor plans.

These amended plans form the basis of the determination of this planning application.

Relevant Planning History.

- 2023/92251 – Prior Notification for single storey rear extension. Determined with Prior Notification Not Required.

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 1 June 2023 – no representations were received.

Consultation Responses.

KC Highways Development Management – The proposals are considered acceptable from a Highways perspective.

Policy/Legislation.

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 falls within an area identified by the Coal Authority as being at low risk of ground movement as a result of former mining activity.

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design
- LP51 – Protection and improvement of local air quality

Supplementary Planning Documents:

Highways Design Guide SPD (2019)

House Extensions and Alterations SPD:
The Kirklees House Extension and Alterations SPD, adopted on 29 June 2021, has been prepared to help householders, developers, agents and architects who are planning and designing an extension or alterations (householder development) to an existing residential property, including conservatories and outbuildings, such as garages. It provides detailed guidance regarding the standard of development that will help achieve a well-designed house extension or alteration required by the Council.

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, together with Circulars, Parliamentary 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
- Chapter 9 – Promoting sustainable transport
- 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 will be considered as part of the assessment of the proposal. These considerations will be looked at in detail individually:

1) Principle of Development
2) Impact on Visual Amenity
3) Impact on Residential Amenity
4) Impact on Highway Safety
5) Other Matters
6) Representations
7) Conclusion

1) Principle of Development

Chapter 2 of the NPPF states that: *"Planning policies and decisions should play an active role in guiding development towards sustainable solutions…"*

Chapter 2 of the NPPF goes onto further state that objectives should: *"support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment…"*

In line with the NPPF, Policy LP1 of the Kirklees Local Plan (KLP) declares that: *"…the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF."*

Policy LP1 goes further and states: *"The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area."*

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".*

In this instance, it can be stated that the principle of development in this application could be acceptable, subject to the assessment of impacts on visual and residential amenity, as well as highway safety and any other impacts that may arise. These will be discussed below.

1) Impact on Visual Amenity

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) whereby paragraph 126 provides a principal consideration concerning design which states: *"The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."*

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'*

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also 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, heritage assets and landscape…'*
- *'c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...'*

Key Design Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality.

Paragraph 5.6 of the Council's House Extensions and Alterations SPD sets out that single storey rear extensions should:

- be in keeping with the scale and style of the original house
- not normally cover more than half the total area around the original house (including previous extensions and outbuildings)
- not exceed 4 metres in height
- not project out more than 3 metres from the rear wall of the original house for semi-detached and terrace houses or by 4 metres for detached properties
- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

Whilst officers note that the proposed single storey rear extension isn't completely compliant with the requirements of the House Extensions and Alterations SPD as set out above, in this instance, there is a realistic fallback position to warrant the grant of the extension as proposed. This fallback position is the approved Prior Notification application that grants permission at 132 Bradley Road for the erection of a single storey rear extension with a projection of 4 metres, a width of 6 metres, an eaves height of 3 metres and a ridge height of 4 metres. In turn, it is concluded that as the site benefits from a fallback position that would warrant the erection of a larger extension than that proposed under this planning application, this is a material consideration

which provides significant weight in favour of the proposal under consideration.

With regards to the design of the extension, this is considered to be acceptable visually, with the external materials harmonising with the appearance of the host property (to be re-faced in white render) and the glazing considered to be an acceptable contemporary addition.

The re-facing of the external walls in white render would be appropriate visually, harmonising with the context of the wider streetscene. There is an established precedent for the use of white render, forming part of the vernacular of the streetscene along Bradley Road.

The alterations to the fenestration detailing to the host dwelling are considered to be minor and would not have an impact visually upon the overall architectural form or design of the host property, nor would they impact the appearance of the host property within its wider setting.

The creation of vehicle access and on-site parking to the front of the site would introduce an increased extent of hard standing and result in the loss of soft landscaping to both the public footway and front garden.

Officers note that the directly neighbouring properties of No. 130 and No. 134 have an entirely hard-surfaced frontage to facilitate on-site parking amenity space and appear to have carried out similar works to the footway to create vehicle access to the properties from Bradley Road. Given that these two neighbouring properties have previously carried out such works, the overall concept of creating vehicle access and on-site parking at 132 Bradley Road is concluded to be acceptable visually. This is concluded in light of the fact that under permitted development rights hard surfacing to the front amenity space could be undertaken in any case.

For all of the reasons outlined above, it is considered that the proposal would not cause detrimental harm to the visual amenities of the host property or wider locality. The proposed development is considered to comply with Chapter 12 of the National Planning Policy Framework, LP24 of the Kirklees Local Plan and Key Design Principles 1 & 2 of the House Extension and Alterations SPD.

2) Impact on Residential Amenity

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."*

Further to this, 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.

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.

The proposal would see a reduction in the extent of outdoor amenity space at 132 Bradley Road, but it is considered that an adequate amount would be retained in accordance with Key Design Principle 7 of the House Extensions and Alterations SPD.

It is considered that the properties most likely to be affected by the proposed development are those which directly neighbour the site, these being No.'s 130 and 134 Bradley Road, as well as No. 82 Park Lea located to the rear of the site.

No. 130 Bradley Road:

This property adjoins the application site to the east.

The proposed works to the host dwelling and the creation of vehicle access and parking are not considered to impact upon the residential amenities of this neighbouring property, presenting no significant increased detriment of overbearing, overshadowing or overlooking impacts.

The proposed rear extension would be single storey in height and separated from the shared boundary with No. 130 by approximately 0.2 metres. Officers conclude that, in principle, the proposed extension would present undue impacts of overbearing or overshadowing for the occupiers of No. 130 Bradley Road, failing to comply with the 45-degree rule as set out within Key Design Principle 5 of the House Extensions and Alterations SPD.

Notwithstanding this conclusion, officers consider that there is a material planning consideration which can be afforded significant weight in this case which dictates that granting permission would be appropriate in this case, even in light of the identified harm.

This is the fact that a Prior Notification application has been submitted and automatically gained permission has been granted on site for a single storey rear extension which is marginally larger than the application under consideration.

Given that the single storey rear extension granted permission under the Prior Notification application was of a larger size/scale than the extension been determined under this application, officers conclude that there is a benefit to granting planning permission in this instance, whereby the proposed extension is of a decreased height. Furthermore, it is considered that it is a realistic fall back position that the larger extension would be undertaken in the event this application was refused.

The single storey rear extension does not propose any glazing to the side elevation directly facing towards this neighbouring property, in turn, it is concluded acceptable with regard to residential privacy.

No. 134 Bradley Road:

This property neighbours the application site to the west.

The proposed works to the host dwelling and the creation of vehicle access and parking are not considered to impact upon the residential amenities of this neighbouring property, presenting no significant increased detriment of overbearing, overshadowing or overlooking impacts.

In addition, the single storey rear extension would be separated from the shared boundary with No. 134 by approximately 1.5 metres. This seperation distance in conjunction with the single storey nature of the proposed extension leads officers to conclude that the extension would not lead to significant impacts of undue overbearing or overshadowing. The extension does not pose any glazing to the side elevation directly facing towards this neighbouring property, in turn, it is concluded acceptable with regard to residential privacy.

No. 82 Park Lea:

This property is located to the rear of the application site.

The proposed works to the host dwelling and the creation of vehicle access and parking are not considered to impact upon the residential amenities of this neighbouring property, presenting no significant increased detriment of overbearing, overshadowing or overlooking impacts.

The single storey rear extension would remain separated from the shared boundary with No. 82 Park Lea by approximately 15 metres. Therefore, the extension is not considered to result in undue impacts of overbearing, overshadowing or overlooking for the occupiers of this neighbouring property.

It is considered that the proposed works would be a sufficient distance away from any other properties to prevent undue harm to residential amenity in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing affect.

For these reasons, the proposed developments at 132 Bradley Road are not considered to cause undue harm to the residential amenities of neighbouring properties. It is therefore considered that the proposed development complies with Chapter 12 of the NPPF, LP24 of the Kirklees Local Plan and Key Design Principles 3, 4, 5, 6 and 7 of the Council's adopted House Extensions and Alterations SPD.

3) Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan 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 Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

Currently the dwelling does not have any off-street parking and the proposals include the provision of two off street parking spaces which will remove parking from the highway and meets the parking standards required for a 2 / 3 bedroomed dwelling.

There is no on-site turning space provided for the vehicles and so reversing to park from A6107 Bradley Road will be required. Normally for any new access on to an A classified road the Councils Highways Team would seek that turning was available to ensure that vehicles could enter and egress the site in forward gear. However, in this instance the proposed off street parking spaces will negate the need to park on the highway at this location and as such they conclude there would be no additional highway safety concerns based around this.

Upon any grant of approval, a condition would be attached regarding hard surfacing and footnote included with reference to changes to access within the adopted highway.

With the inclusion of the recommended condition / informative note, the proposed developments would appropriately accord with Chapter 9 of the NPPF, LP21 and LP22 of the Kirklees Local Plan and Key Design Principle 15 of the House Extension SPD.

4) Other Matters

Climate Change:

Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the 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 predates 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.

As part of this application, a Climate Change Statement was submitted, setting out the following mitigation measures:

- Materials to be sourced from local suppliers / merchants
- Whole house to be completely refurbished including a new energy efficient boiler
- Local contractors and suppliers to be used.

Considering the small-scale of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs any further mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the NPPF and Policy LP51 of the Kirklees Local Plan.

Coal Legacy:

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.

5) Representations

No representations were 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: 2023/91079
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 so as to ensure the satisfactory appearance of the development on completion, and to accord Policies LP1, LP2, LP21, LP22, LP24 & LP51 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8 & 15 of the Council's adopted House Extensions and Alterations SPD and policies within Chapters 2, 4, 9, 12, 14 & 15 of the National Planning Policy Framework.

3. The external walls of the extension shall be faced in white render and the roof shall be infilled with concrete tiles. These materials shall be thereafter retained.
   Reason: In the interests of visual amenity and to accord with Policies LP2 & LP24 of the Kirklees Local Plan, Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD and policies within Chapter 12 of the National Planning Policy Framework.

4. The works hereby approved shall not be brought into use until the extended driveway as indicated on the hereby plan (dwg no.23:03:7374:02 Rev E) has been laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance; Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) this shall be so retained, free of obstructions and available for parking.
   Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and to ensure that the additional hardstanding area is appropriately drained to mitigate flood risk in accordance with Policies LP21, LP22, LP28 and LP34 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

Note: The changes to the access within the adopted highway fronting the property, to provide a dropped kerb, will need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Interference with the highway without such permission is an offence which could lead to prosecution.

Note: The application site is located in a low risk coal area.

Plans and Specifications Schedule:-

Plan Type	Reference	Version	Date Received
Existing Plans and Elevations	7374:01	-	18.4.23
Proposed Plans and Elevations	23:03:7374:02	E	27.7.23
Climate Change Statement	-	-	18.4.23

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 preapplication 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 raised concerns for the original scheme submitted with regards to the size/scale of the proposed rear extension in terms of the design requirements of the House Extensions and Alterations SPD and potential impacts to residential amenity.

In response, the Planning Agent / Applicant provided a justification statement with regard to the needs of the occupiers and also a set of amended plans to alter the floor plans.

Report Dated: 24.8.23