

**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:	2023/62/91595/W
Site Address:	690, Bradford Road, Fixby, Huddersfield, HD2 2JY
Description:	Erection of two storey side and single storey rear extensions with integral garage and external alterations
Recommending Officer:	Lucy Taylor

DECISION – REFUSED

I hereby authorise the refusal 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-Jul-2023

Officer Report.

Reference: 2023/91595

Location: 690, Bradford Road, Fixby, Huddersfield, HD2 2JY

Proposal: Erection of two storey side and single storey rear extensions with integral garage and external alterations

Site Description.

690 Bradford Road is a two-storey semi-detached property located in Fixby, Huddersfield. The property is constructed from stone and has a mix of roofing styles erected, infilled with blue slate tiles. The property benefits from an extensive driveway to the front elevation, which stretches down the side elevation of the dwelling.

The property is located in a residential area where there is a variety of property styles within the streetscene. The properties located along Bradford Road share a similar style of design and construction however, the properties have a varied use of external construction materials, meaning their external appearance differs.

The application site is not specifically allocated in the Kirklees Local Plan however, it should be acknowledged that classified Green Belt Land is located to the rear of the boundary of curtilage of the dwellinghouse.

Description of Proposal.

Planning permission is sought for the erection of a two-storey side and single storey rear extension, with integral garage and external alterations.

The two-storey side extension would have a projection of 3.85 metres from the side elevation of the host property, with a length of 11.4 metres and a maximum height of 8.8 metres.

The existing lean-to single storey feature would be retained to the rear of the proposed two-storey extension.

Within the roof of the extension, a flat roofed dormer would be erected to the rear. The dormer would have a width of 2.9 metres, a depth of 1.3 metres and a height of 1.45 metres. The new dormer would adjoin to the existing small flat roofed dormer to the rear of the host property.

The two-storey extension proposes a window to the front elevation at first-floor level and, to the rear, one window within the proposed dormer and one velux roof light. In addition, one window is proposed to the side elevation at first floor level, likely obscure glazed in conjunction with a bathroom internally. The extension also proposes a garage door to the front elevation and a regular access door to the side elevation.

The proposed single storey extension would project from the eastern side elevation of an existing single storey feature by 1.5 metres, projecting from the rear elevation of the host dwelling by 1.8 metres. A lean-to roof would be erected above the single storey rear extension, to a maximum height of 4 metres. This lean-to roof would extend a further 3.65 metres to the south-eastern boundary, forming a canopy.

The single storey extension proposes bi-fold doors to be installed to the rear elevation, across both the existing single storey feature and proposed addition.

The extensions would be faced in stone, with render applied to part of the side elevation of the two-storey extension.

History of Negotiations.

No negotiations have taken place for this planning application. The reason for this is because, the plans submitted for this application, mirrored the original plans as amended for previous application 2023/90185.

In determining the previous application (2023/90185), the case officer undertook negotiations with the applicant, recommending amendments to the scheme in conjunction with the design guidance as contained within the House Extensions and Alterations SPD.

For the previous application, amended plans were submitted by the applicant to significantly reduce the size/scale of the proposed extensions. In turn, permitting the grant of approval.

In turn, this application is considered to comprise of the re-submission of plans relating to an unacceptable scheme.

Relevant Planning History.

- 2021/91128 – Erection of attached garage. *Refused.*
- 2021/92665 – Erection of attached garage. *Granted.*
- 2023/90185 – Erection of two storey side and single storey rear extensions with integral garage and external alterations. *Granted.*

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 17th July 2023 – no representations were received.

Consultation Responses.

No consultations were deemed necessary.

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).

Although it has been acknowledged that Green Belt land is located to the rear of the application site, given the site of development on the property and the proposed dimensions, this feature will remain set within the boundaries of curtilage at 690 Bradford Road and therefore, will not significantly affect the significance of this classified land.

The application 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 Policies and Guidance:

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 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
- 1) Impact on Visual Amenity
- 2) Impact on Residential Amenity
- 3) Impact on Highway Safety
- 4) Other Matters
- 5) Representations
- 6) 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 on to 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”*.

The conclusion section of this report sets out the conclusions in relation to the principle of the development in light of all other material considerations

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.

Key design principle 1 (Local character and street scene) – *‘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.’*

Key design principle 2 (Impact on the original house) – *‘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 detail.’*

Paragraph 5.19 of the House Extensions and Alterations SPD refers to two-storey side extensions, setting out that *‘Two-storey side extensions can have a significant effect on the character of the original house and the street. Adequate space between buildings should be retained to provide a sense of space which is important to the character of an area’.*

Paragraph 5.20 and 5.22 of the SPD go further to state that two-storey side extensions should:

- not take up all or most of the space to the side of a house
- maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property
- be set back at least 500mm from the front wall of the house
- Ideally be visually smaller in relation to the original house
- Be set back at least 500mm from the front of the original house to provide a vertical break from the roof plane and for the lowering of the ridgeline from the original house
- Have a roof design that follows the form of the existing roof

The proposed two-storey extension to 690 Bradford Road would not be considered to be subservient to the host property with regard to its size/scale, nor would its design or sitting be in keeping with the requirements of the House Extensions and Alterations SPD as set out above.

The proposed two-storey side extension would be considered to take up all of the space to the side of the host property. Whilst officer's note that the rearward section of the extension retains a small gap from the shared boundary, towards the front, the extension meets the side boundary of curtilage for a length of 5.5 metres. This would close the gap between the site and neighbouring property, causing a negative impact on the appearance and character of the street scene and posing detrimental potential for a terracing effect to be created along a non-terraced street.

It should be noted therefore, that the erection of the proposed two-storey extension would result in the loss of external access to and from the front and rear of 690 Bradford Road.

In addition, the proposed two-storey extension presents an undue extent of bulk and massing, failing to be set back from the principal elevation of the host property to any degree and failing to be set down from the roof pitch of the host property. In turn, the proposed two-storey side extension fails to be visually smaller in relation to the original house of 690 Bradford Road and would appear as unproportionate in scale.

Whilst officers note that the proposed single storey rear extension would be acceptable visually, the scheme is assessed as a whole. Furthermore this part of the scheme could be implemented via the previous approval of application 2023/90195.

It should also be noted that, whilst officers consider that the removal of the extended lean-to rear roof canopy would improve the design of the scheme, the property of 690 Bradford Road benefits from full Permitted Development Rights and therefore, could erect a similar canopy without needing to acquire planning permission from the Local Authority.

The street is characterised by dwellings in spacious surroundings, it is considered the design of the proposal would impact upon the character of this part of the street as a result of its dominant design which would increase the massing / built form of the host property in a non-subservient manner which would not be harmonious to the character of the street.

For these reasons, it is concluded that the two-storey extension would be an unsympathetic addition to the host property of 690 Bradford Road. In addition, the proposed two-storey extension poses detriment to the established visual character of the wider locality. It is therefore concluded that the development scheme as applied for would not comply with policies within Chapter 12 of the NPPF, policies LP1, LP2 and LP24 of the Kirklees Local Plan or Key Design Principles 1 or 2 of the House Extensions 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.

Whilst the proposal would see a reduction in the overall amount of outdoor amenity space at 690 Bradford Road, the reduction would not be detrimental, with a large rear garden to be retained. In turn, the proposal is considered to comply with Key Design Principle 7 of the House Extensions and Alterations SPD in this regard.

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. 688 Bradford Road and No. 692 Bradford Road. 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.

No. 688 Bradford Road:

This property adjoins the application site to the south east.

Given the siting of the proposed two-storey side extension, behind the existing footprint and height of the host dwelling, it is concluded that it's erection would not result in any undue impacts of overbearing or overshadowing for the

occupiers of this neighbouring property. Furthermore, the two-storey side extension does not propose any glazing to face towards this neighbouring property, in turn, retaining appropriate levels of residential privacy.

The single storey rear extension would retain a separation distance of 3.9 metres from the shared boundary with No. 688. Given this separation distance, in conjunction with the size/scale of the proposed extension, it is concluded that it would not present any undue impacts of overbearing or overshadowing for the occupiers of No. 688 Bradford Road. This rear extension also does not propose any glazing to face towards this neighbouring property, in turn, also considered to retain appropriate levels of residential privacy.

Whilst the proposed rear lean-to canopy would be set up to the shared boundary, given the nature of this feature, with no solid walls, it is concluded to be acceptable from a residential amenity perspective. It should also be noted that this element of the scheme benefits from a Permitted Development fallback position, meaning that it could be constructed without the need to acquire planning permission from the Local Authority.

No. 692 Bradford Road:

This property is located to the north west of the application site.

Whilst the proposed two-storey side extension to 690 Bradford Road would undoubtedly present an increase in bulk and massing towards the shared boundary between No. 690 and No. 692, it is not considered that the development would result in undue levels of overbearing or overshadowing for the occupiers of No. 692 Bradford Road.

Firstly, whilst officers note the presence of windows in the side elevation of No. 692, it is concluded that this glazing is unlikely to serve any habitable rooms within the interior of the dwellinghouse. This is a result of their location, their size/scale and, for some, their obscure glazing.

Furthermore, whilst officers note that the two-storey rear extension would project beyond the rear elevation of No. 692 by approximately 1.7 metres, it is not considered that any resultant overbearing or overshadowing would be of significant detriment to the residential amenity of this neighbouring property. This conclusion was drawn firstly because the two-storey projection would retain a separation distance of approximately 1.7 metres from the closest windows on the rear elevation of No. 692 and secondly, because the extension would have a catslide roof slope to the rear, with a low eaves height, aiding in mitigating undue levels of overbearing or overshadowing from the rear elevation of No.692, as well as from the neighbouring outdoor amenity space.

The dormer proposed to the rear roof slope of the extension is of a modest size/scale and would be contained broadly within the envelope of the rear roof slope. In turn, it is concluded that its erection would not result in any

significant impacts to the neighbouring property of No. 692 with regard to overbearing or overshadowing.

The rear single storey extension and rear lean-to roof canopy are to be set behind the existing single storey rear projection at 690 Bradford Road.

Therefore, there construction does not pose any detriment of undue overbearing or overshadowing for the occupiers of No. 692 Bradford Road.

The only glazing to the side elevation of the two-storey extension is one small window, in conjunction with an ensuite internally. To ensure acceptable levels of residential privacy, upon any grant of approval, a condition would be included to ensure that this window be obscure glazed.

For these reasons, the proposed development at 690 Bradford Road is 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.

The existing 4 bedroomed dwelling is shown to be converted into a proposed 5 bedroomed dwelling. The existing property has provision for 3 off street parking spaces on the driveway and a turning area to allow vehicles to enter and exit the property from A641 Bradford Road in forward gear. The Kirklees Highway Design Guide recommends that a 4+ bedroom dwelling provides a minimum of three off street parking spaces. The proposals will maintain this provision of on-site parking and will not alter existing vehicle access to or from the application site.

In turn, erecting the proposed extensions at 690 Bradford Road 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.

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 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 adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the National Planning Policy Framework and other material considerations.

The proposal is therefore considered to be contrary to policy LP2 which seeks to ensure all development proposals build on the strengths, opportunities and help address challenges identified in the Local Plan, in order to protect and enhance the qualities which contribute to the character of these places.

The proposal is concluded to have an unacceptable visual impact upon the host property and wider locality as a result of the design of the two-storey side extension.

Therefore, for the reasons set out in section 2 of this report, refusal is recommended.

Recommendation: Refuse
Decision Authorisation – Delegated Powers
Application Number – 2023/91595
Officer Recommendation: Refuse Permission

1. The design, size and scale of the proposed two-storey side extension would not be subservient to the host property, and would result in an undue level of bulking and massing. The proposal is not considered to be harmonious with, and therefore causes detrimental harm to, the character of the host property and wider locality contrary to Policies LP24 of the Kirklees Local Plan, Key Design Principles 1 and 2 of the House Extensions and Alterations SPD and policies contained within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Plans and Elevations	01revH	-	31.5.23
Climate Change Statement	-	-	7.6.23

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 did not enter into negotiations with the application, for the reasons as set out within the 'History of Negotiations' section of the Officer's Report.

Report Dated:

24.7.23