

**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:	2023/62/91770/W
Site Address:	1, Gisbourne Road, Bradley, Huddersfield, HD2 1SD
Description:	Erection of two storey side extension
Recommending Officer:	Laura Yeadon

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: 14-Aug-2023

HOUSEHOLDER DELEGATED REPORT

Application Number	2023/91770
Location	1, Gisbourne Road, Bradley, Huddersfield, HD2 1SD
Proposal	Erection of two storey side extension
Publicity end date	2 nd August 2023
Number of representations received	None
Kirklees Local Plan Allocation/Designation	Unallocated however within the site is within the Strategic Green Infrastructure Network
Extension to Time (EoT)	N/A EoT Date:
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	✓	

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 14 – Meeting the challenge of climate change, flooding and coastal change
- NPPF Chapter 15 – Conserving and enhancing the natural environment

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 30** – Biodiversity
- **LP 31** – Strategic Green Infrastructure Network
- **LP 51** – Protection and improvement of air quality

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 9: Construction materials
- Key design principle 12: Natural environment
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage

	YES NO	SUMMARY
Negotiations/Amendments during course of application	No	None required
Parish/Town Council comments sought	N/A	None required
Planning History	N/A	None
Consultations required	N/A	None required

Assessment

The application seeks permission for a two storey side extension.

The proposed two storey extension would replace the detached, partly attached single storey garage. The garage is attached to the property by the presence of a wall containing a doorway which provides access into the rear garden of the site.

The proposed extension would be set back from the front elevation of the property by 0.65 metres and would project to the side of the property by 4 metres. The extension would span the full depth of the property lying flush with the rear elevation of the property. The eaves height would match the host dwelling with the roof line set down from the existing by 0.17 metres.

The proposed materials would be to match the host property.

The Kirklees SPD sets out that two storey side extensions should comply with certain parameters set out at paragraphs 5.16 and 5.20 on pages 28 and 29 (and listed below) and if they do not, they need to be justified. In addition, the proposal site lies within a corner plot and therefore paragraph 5.23 of the SPD is also of relevance:

Side extensions should:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
Ensure reasonable levels of natural light to the habitable rooms in neighbouring properties	Yes – all proposed rooms within the proposed extension would have external openings	
Positioning windows to minimise or avoid any potential overlook into neighbouring gardens		No – there is potential for the openings within the first floor rear elevation to overlook the neighbour due to the orientation of the properties. However, existing elevations are evident within the first floor of the dwelling already, therefore these proposed are considered acceptable, on balance.
Two storey side extensions should:		
Not take up all or most of the space to the side of a house		No – Most of the space to the side of the property would be taken up by the proposed

		extension however this is due to the unique angles of the site boundary and the boundary with the Council owned land to east which is sited between the property and the roadside
maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property		No – a 1 metre gap is not retained between the side boundary of the extension however as the property is within a corner plot, the sense of space around the dwellings would be maintained
be set back at least 500mm from the front wall of the house	Yes – the extension is set back from the front elevation of the property by more than 500mm	
Corner plots should have:		
Facing in both directions to create two frontages, each with windows overlooking the street		No – there are no openings within the side elevation which would face Stuart Place and this elevation is set back from the roadside. To provide openings within the side elevation openings would compromise the layout of the internal accommodation. It is not considered that to have a blank gable elevation facing the roadside would be significantly harmful to visual amenity.
Being set back from the existing building line on both streets	Yes – the extension is set back enough to not interfere with the building line with the properties to the south. Whilst the extension	

	would project further to the east than the properties to the north, this is due to these properties not being extended to the side. Due to the separation with the properties to north, this is considered acceptable with regard to the visual amenity of the street scene	
Following the boundary treatment along both streets, in relation to its position, height and materials	Yes – the plans and application form do not indicate that the existing hedges or boundary treatment would be lost as a result of the development	

Design and Visual Amenity:

Summary of local street scene/character: Two storey semi-detached property. All elevations are finished in white render as are the other properties within the wider street scene. Garden to the front elevation with a driveway to the side leading to the single storey garage space. To the rear is a lawned garden area with a detached single storey timber shed. The other dwellings within the street scene are similar in terms of style and design.

Consideration has been given here in terms of the proposals 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	Limited extended properties within the street scene however the extension is set back from the front elevation of the property and the roof line without obstructing established building lines	✓

Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	Set back from front elevation, roof line set down from existing. Appears subservient	✓
Height, scale and massing	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Subservient structure as advised above	✓
Facing materials and detailing	• KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF	White render for the walls to match the existing – tiles for the roof, also to match. These can be conditioned as part of the decision notice	✓
Roof style	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Pitched to match the existing – would be in keeping	✓
Window proportions	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Proportionate in terms of size and scale with the existing	✓
Accessibility for all users	• KDP 17 of the SPD • Policy LP24 Design (f) • Chapter 12 of the NPPF	Main entrance to dwelling would be retained as existing	✓

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:

- 27 Stuart Place – to the south of the application site and hosts a single storey side extension – partly screened from application site by hedging – set at right angles in orientation due to the layout of the properties, no direct habitable room window relationship, orientation: north of this property – no significant harm as a result of the proposals
- 2 Gisbourne Road – facing property – no reduction in established separation distances as extension is set back from application site
- 16 and 18 Stuart Place – facing side elevation of extension – blank elevation separation distance approximately 29 metres
- 3 Gisbourne Road – attached neighbouring property – no impact as no elevations of the extensions extend towards to this property

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on privacy of neighbours (to sides, rear and front)	• KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	Limited impact due to separation distances within no proposed openings within the side elevation – openings to front and rear, not direct relationship with no. 27 Stuart Place.	✓
Impact on light and outlook of neighbours (to sides, rear and front)	• KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF	Limited impact due to separation distances and orientation– see above	✓
Impact on overbearing or overshadowing	• KDP 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF	No significant impact due to orientation of dwelling to neighbouring properties	✓
Remaining garden space of application property	• KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF	The garden areas to the front and rear of the property would be retained	✓

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:

	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	N/A	N/A
Parking provision	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	The existing parking provision within the existing garage is substandard in terms of dimensions and therefore there is no loss of parking as a result of demolishing the garage. The property would be 3 no. bedroom and therefore 2 no. off-street parking spaces are required. One space can be accommodated on the driveway and on-street parking is unrestricted. Therefore, on balance, the proposal is acceptable.	✓
Provision for waste storage	• KDP 16 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	None shown on plan however sufficient space within site boundary to accommodate bin storage	✓

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:

	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	None	N/A
Impact on ecology	• KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF	The site is within the Strategic Green Infrastructure Network and therefore Policy LP31 is of relevance in this instance. The role of the Network is to safeguard and enhance green infrastructure networks, green infrastructure assets and the range of functions they provide. As the proposed works would be within the confines of the residential curtilage, it is not considered that the proposed works would be detrimental to the aims of Policy LP31 of the Local Plan. The site is also within the Bat Alert layer on the Council's GIS system. A footnote shall be added to the decision notice in respect of the methods to adopt should bats be found during the development of the property.	✓
Carbon Budget / Climate change statement	• KDP 8, 9, 10 & 11 of the SPD • Policy LP51	Small scale domestic development to an existing dwelling. As such, no special measures	✓

	Chapter 14 of the NPPF	required in terms of the planning application with regards to carbon emissions. A Climate Change Statement has been submitted with this application.	
Drainage and Flood Risk	- KDP 14 of the SPD - Policy LP24 (d) (vii), LP27 and LP34 of the KLP	The rear garden and landscaping would be retained to allow for run-off. The site is not located within an identified Flood Risk Zone 2 or 3 area.	✓
Coal legacy	Policy LP53	The application site falls within an area at high risk of ground movement as a result of past mining activities as determined by the Coal Authority. Whilst falling within a high risk area the Coal Authority identify the development type as that which does not need submission of a Coal Mining Risk Assessment. 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 policy LP53 and paragraphs 174 and 183 of the National Planning Policy Framework	✓

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 NPPE.

Representations, including Parish/Town Council comments:

Summary of Representation	Officer response	Addressed ✓ / X / N/A
N/A	N/A	N/A

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: 2023/91770

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, LP30, LP31 and LP51 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 12 15 and 16 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 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 in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, Principles 1, 2 and 9 the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

NOTE: The Council's GIS system indicates that the property is within a bat roost area and may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to 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
Location plan and site plan	TR-A23-0503-001		15 th June 2023
Existing floor plans	TR-A23-0503-002		15 th June 2023
Existing elevations	TR-A23-0503-003		15 th June 2023
Existing sections	TR-A23-0503-004		15 th June 2023
Existing 3D view	TR-A23-0503-005		15 th June 2023
Proposed location plan and site plan	TR-A23-0503-006		15 th June 2023
Proposed floor plans	TR-A23-0503-007		15 th June 2023
Proposed elevations	TR-A23-0503-008		15 th June 2023
Proposed sections	TR-A23-0503-009		15 th June 2023
Proposed 3D views	TR-A23-0503-010		15 th June 2023
Climate Change Statement			20 th June 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: 14th August 2023

Coal - high

