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:	**2023/62/92759/W**
Site Address:	388, Bradley Road, Bradley, Huddersfield, HD2 1PU
Description:	Partial demolition of existing dwelling and erection of replacement dwelling
Recommending Officer:	Tom Hunt

DECISION – CONDITIONAL FULL PERMISSION

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

John Holmes

AUTHORISED OFFICER

Date: 30th January 2024

Officer Report

Site Description

2023/92759 – 388, Bradley Road, Bradley, Huddersfield, HD2 1PU

388 Bradley Road, Bradley, is a detached 1930's dormer bungalow, built with a brick base wall with mock Tudor detailing above to the front elevation under a rosemary tiled roof. The property benefits from a front porch, large rear dormer, a driveway of considerable length extending to the detached outbuilding at rear. The property sits within a fairly large flat plot, with a gentle slope. It is set back from the road and in from the side boundaries with a north facing back garden backing onto Bradley golf course.

The southwest side adjacent to the dwelling is characterised by single storey dwellings, some with rooms within the roof space and a unified material palette in natural stone. The northeast side, has a two-storey dwellinghouse adjacent then there are bungalows of varying styles although noticeably their overall roof heights are lower than the southwest section and they make use of brick and render for facing materials. Opposite the site, there is land used for an employment use, with associated warehouse /industrial unit buildings.

Description of Proposal

Partial demolition of existing dwelling and erection of replacement dwelling

All figures are in meters and approximate.

It is proposed to partially demolish the existing dwelling to construct a two-storey dwellinghouse in its place with porch to front and a single-storey rear element (joined behind an existing single-storey side projection).

The two-storey dwelling would have a hipped grey concrete tile roof design with a small front gable feature in its roof. Its dimensions would be 9.8m wide by 10.5m deep with an overall ridge height of 7.5 and eaves of 5m from ground level. Fenestration would be symmetrical at front over two storeys and windows to the rear at first floor. The northeast side elevation would have two windows to ground floor and one to first floor in a similar arrangement to the existing. The southwest would have a new door with sidelight to the side projection, existing windows to ground and one new first floor window with obscure glazing.

It would have a new porch to front with a gable feature roof design projecting 1.7m from the front, 3.25m width and an overall height of 3.5m and eaves at 2.3m from ground level. The porch would have a double door entrance with sidelight glazing extending to roof, and there would be a window to either side elevation.

The front side projection shall be re-roofed with a lean-to design. The rear side projection would be rebuilt to have a lean-to roof; to both, the roof ridge height would be 3m and eaves 2.3m from ground level. The rear side extension would increase in size, projecting 1.39m from the side and be 3.3m depth.

It would have a single-storey rear extension with hipped roof, extending behind the new single-storey side projection of the host to be projecting 4m from the rear, 11.2m width and with an overall height of 3.5m and eaves at 2.4m from ground level. Openings would be to rear only consisting of patio doors and two windows. The roof would have three skylights.

It would retain its red brick and brick string course to base then be buff/beige rendered upwards (**Officer note**: confirmed by email received 17/01/2024). Roofs would be in thin leading edge grey concrete tile. Glazing would be in grey uPVC.

The front amenity space will be landscaped with a driveway to its side making use of an existing access point. The driveway was clarified to be able to park 20 vehicles (response received from applicant). The boundary wall will remain. It is proposed that occupants shall make use of a turning area at rear to ensure they are able to enter the highway in forward gear.

History of negotiations/amendments received

The case officer considered the application on review and sought amendments to the original scheme. The amended scheme was re advertised due to the substantial amendments made to the original scheme and increase in bulk and massing.

Relevant Planning History

2022/92168 Partial demolition of existing dwelling and erection of replacement dwelling
Refused for the following reasons

1.The proposed dwelling, by reason of its siting, scale, mass and design would introduce an unsympathetic, incongruous and overly prominent form of development which would be detrimental to the visual character and appearance of the area. The proposal would therefore be contrary to Policy LP24 (a) of the Kirklees Local Plan, Principle 2 of the Council's adopted Housebuilders Design Guide SPD and Policies within Chapter 12 of the National Planning Policy Framework.

2. The proposed development, by reason of its siting, scale, design and proximity to neighbouring land would result in a loss of privacy to the occupiers of no. 386 Bradley Road and a loss of privacy and overbearing impact upon the residential amenity of the occupiers of no. 390 Bradley Road. To permit such a development would be contrary to

policy LP24 (b) of the Kirklees Local Plan, Principle 6 of the Council's adopted Housebuilders Design Guide SPD and paragraph 130 of the National Planning Policy Framework.

2023/90325	Erection of domestic outbuilding *Conditional Full Permission.*

Enforcement:

COMP/22/0557	Alleged unauthorised structure (possible new dwelling). *Resolved (ref: 2023/90325)*

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 concerning the initial proposal. Following a change of agent and a substantially altered design, this required new neighbour notice letters which expired on:16/01/2024.

Overall, following the initial advertisement of the proposal and the subsequent readvertisement of the amended scheme, seven representations of Support was received. Twelve representations in objection, from five objectors, were received.

The representations raise the following concerns:

Visual Amenity – objections

- Bulk and massing from the single-storey rear projection close to garage would cause a loss of openness.
- Loss of views
- White render is proposed and would look too stark.
- Windows do not appear to be clear glazed but dark tinted.

Officer Note: this is to be clear glazed except for those with obscure glazing.

- Streetscene would be dramatically changed and the proposed would appear out of keeping.
- Overdevelopment – Proposed replacement would be too big for the plot

Residential Amenity – objections

- Overshadowing/loss of natural light
- Loss of outlook
- Overbearing

- Noise from construction
- Loss of privacy/overlooking – bathroom windows should only open towards Bradley Road. Windows face property.
- Loss of privacy/overlooking – Rear side projection would have a new opening of partially glazed door and full length window looking into rear patio and window.

Highway Safety – *objections*

- Increase in traffic from intensification of use
- Vehicles parked on verge impacting on sightlines
- Large, detached, rear extension didn't receive planning permission. It is used day and night. Described as a building/business.

Officer Note: Planning permission granted within application ref: 2023/90325. A footnote was attached clarifying use:

> *"The developer is reminded that under the terms of this application, the building hereby approved can be used solely for uses incidental to the enjoyment of the dwelling house as such, and for no other purposes. The use of any part of the building as a residential annexe, ancillary living accommodation may amount to a material change of use, as could the use of the building for business use for which a further application for planning permission would be required."*

- Objection to balcony, dormers

Officer Note: These have been removed from the amended scheme.

Supportive Comments are summarised as the following:

- Streetscene has altered over time with some properties adding storeys and extensions and do not have a cohesive design as a consequence
- Proposal would be sympathetic to the area
- No impact on light or privacy to neighbours
- Would increase the value of the area
- Property in bad state of repair and damp

The representations received will be taken into account within the 'Assessment' section of this report.

Consultation Responses

No technical consultees required.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the

Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is unallocated on the Kirklees Local Plan. It is within a Low Coal Risk Area. It is within a low probability for flooding and Bradley Road has had recorded low surface water flooding.

Kirklees Local Plan (LP):

- LP 1 – Presumption in favour of sustainable development
- LP 2 – Place shaping
- LP 3 – Location of new development
- LP 7 – Efficient and effective use of land and buildings
- LP 11 – Housing Mix and Affordable Housing
- LP 21 – Highways and access
- LP 22 – Parking
- LP 24 – Design
- LP 28 – Drainage
- LP 34 – Conserving and enhancing the water environment
- LP 51 – Protection and improvement of local air quality
- LP 52 – Protection and improvement of environmental quality
- LP 53 – Contaminated and Unstable land

Supplementary Planning Guidance and other considerations

- Highways Design Guide SPD
- Housebuilders Design Guide SPD (2021)
- Nationally Described Space Standards
- Waste Management Design Guide for New Developments (Oct 2020, v.5)
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021)
- Kirklees Climate Change Guidance for Planning Applications (2021)
- Institute of Air Quality Management Land-Use Planning & Development Control; Planning for Air Quality (2017)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)

National Policies and Guidance:
National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19th December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making

- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 6 – Building a strong, competitive economy
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Legislation

The Town & Country Planning Act 1990 (as amended).
The Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
The Planning and Compulsory Purchase Act 2004.
The Conservation of Habitats and Species Regulations 2017

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

<u>1 – Principle of development</u>:

1.1 Sustainable Development

Policy LP1 of the Local Plan states that when considering development proposals, the council will take a positive and proactive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

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 Principles within the Housebuilders Design Guide SPD have been used as a guide in considering the proposal's visual amenity impact on the streetscene and host.

Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

1.1 5 Year Housing Land Supply

Following the recent publication of the NPPF (20th December 2023), paragraph 76 states:

“Local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing for decision making purposes if the following criteria are met:
a) their adopted plan is less than five years old; and
b) that adopted plan identified at least a five year supply of specific, deliverable sites at the time that its examination concluded.”

Concerning this, the status of Kirklees Local Plan is less than 5-years old until (28th February 2024) and had identified a five year supply of specific deliverable sites by the time its examination was concluded.

Chapter 5 of the NPPF clearly identifies that Local Authority’s should seek to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.

Policy LP7 of the Kirklees Local Plan states that should encourage the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and a net density of at least 35 dwellings per hectare should be provided. Principle 4 of the Housebuilders Design Guide seeks to ensure a density of 35 dwellings per hectare or more is achieved. Where a density of 35 dwellings per hectare cannot be achieved, policy LP7 sets out that lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs. Chapter 11 of the NPPF supports development making efficient use of land subject to achieving appropriate densities.

The proposal seeks to replace a detached residential property with another detached property for one household, as such this would have a neutral impact on housing supply and density of housing.

However, the provision of housing needs to be balanced against all material planning considerations outlined below.

2 –Impact on visual amenity:

In terms of visual amenity, general design considerations are set out in Policy LP02, and LP24 of the Local Plan, the Principles in the Housebuilders Design Guide SPD and Chapter 12 of the NPPF, which seeks to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, respecting and enhancing the character of the townscape, heritage assets and protect amenity.

Policy LP11 sets out that all proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities.
Paragraph 134 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
With regard to the Housebuilders Design Guide SPD, the following principles relevant to visual amenity need to be considered:

- Principle 2 – residential developments will respect and enhance local character, taking cues from the built and natural environment, creating a positive coherent identity and utilising landscape opportunities.
- Principle 5 - Buildings should be aligned and set-back to form a coherent building line and designed to front on to the street, enable important views to be maintained to provide a sense of place and protect amenity.
- Principle 7 – integrate green infrastructure and accessible open space
- Principle 8 – Ensure that new developments transition from urban to open land appropriately.
- Principle 10 – site layouts ensure effective connections to existing walking and cycling links.
- Principle 12 – ensure that appropriate parking is provided for the development that is well designed and do not have cars and hardsurfacing as dominant features in the streetscene.
- Principle 13 – use appropriate materials of construction.
- Principle 14 – ensure windows and doors relates well to street frontage and local context
- Principle 15 – ensure that rooflines relate well to a site's context.
- Principle 17 – ensure that new dwellings have access to private outdoor space that is functional and proportionate to the size of dwelling and the character of the local area.

The proposal seeks to make use of an existing building footprint to add a storey with a single-storey rear projection. It would have a minimum property gap to flank boundaries of 2.75m to the southwest and 3.4m to the northeast. For the two-storey element, this would have a separation distance of 4.4m to the southwest and 3.4m to the northwest. Paragraph 7.19 of the Housebuilders Design Guide SPD clarifies that expected property separation distance to flank boundaries should be a minimum of 2m, as such the proposal would exceed this requirement to achieve satisfactory property gaps to boundaries.
It would be similarly set back from the highway with its front projection in line with he established building line between its flank neighbours and the main body of the property set back by 3.3m behind both neighbours. This would be a similar arrangement to the existing, and properties along Bradley Road have varying setbacks for their principal elevations so this would appear in-keeping and considered acceptable with regard to Principle 5 of the SPD

The proposed site plan sets out that landscaping and the low boundary wall is to be retained with a driveway to the side making use of an existing access point into the highway. In addition, a turning point is proposed to the rear of the property. As such, this would avoid hardsurfacing being too dominant to the front and comply adequately with Principles 7, 8, 10 and 12 of the SPD.
The proposed materials of red brick to base would retain in part some of the original character of the existing building. The use of buff/beige render and slim edge grey concrete tile would appear to harmonise with existing examples of render and brick to the streetscene. It is noted that whilst the proposed elevational proportions of brick and render are different compared to no.s 386 and 384's own, it is considered this would not appear out of keeping in the proposed use of materials. The additional storey would increase the height of the building however it would be aligned with the roof ridge height of its adjacent two-storey neighbouring dwelling. The hipped roof design would serve to minimise the roof bulk and massing away from the property flank boundaries and is of a similar pitch and design to no.s 390, 386 and 384's own. The fenestration arrangement is symmetrical at front and domestic in design to be in-keeping with its streetscene This would comply sufficiently with Principles 13, 14 and 15.
The proposal would also retain sufficient garden space with external access retained and similar property gaps to flank boundaries to ensure that the scheme does not represent an overdevelopment of the site and to comply with Principle 17.
Considering Principle 2, the proposed single-storey rear projection would appear as an established feature in the streetscene when comparing the evolution of householder development to the north side of the highway including both flank neighbours taking advantage of generous rear garden plots to extend. This would appear in keeping with the character and design of the streetscene and visually would have its appearance largely screened by the host with sufficient property gaps to boundary to avoid overdevelopment. Accordingly the proposal would appear well integrated within the streetscene with its design, form and materials.
Nonetheless, Officers propose that further development of the host should be controlled in order to avoid detrimental visual impact on the original character and design of the host and the locality and to retain the clean and architecturally simple additional forms in its design hereby permitted.
Subject to a condition restricting Permitted Development Rights for Classes B and C, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the proposal is therefore regarded as acceptable for permission in this regard as it would not significantly harm the visual amenity of the area and be acceptable and accord with Policy LP02 and LP24 of the Local Plan, the Principles within the Housebuilders Design Guide SPD and Chapter 12 of the NPPF.
In addition a condition is reccommended requiring the materials of construction to be in accordance with those submitted, or an alternative material palette agreed in writing by the LPA should alternative materials be intended to be used.
3 – Impact on residential amenity:

Section B and C of Policy LP24 of the Kirklees Local Plan states that proposals should promote good design and have a high standard of amenity:

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

Further to this, Paragraph 135f) of the National Planning Policy Framework 2023 states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Paragraph 191 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on living conditions. In addition to this, Policy LP52 of the Kirklees Local Plan states that proposals which have the potential to increase pollution from noise, vibration, light, dust, odour and other forms of pollution must be accompanied by evidence to show the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level or have unacceptable impacts on the environment.

Principle 6 of the Housebuilders Design Guide SPD relate to supporting high standards of residential amenity.

For two storey houses, typical minimum separation distances are advised:

- 21 metres between facing windows of habitable rooms at the backs of dwellings;
- 12 metres between windows of habitable rooms that face onto windows of a non-habitable room;
- for a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metres distance from the side wall of the new dwelling to a shared boundary.

Overlooking and loss of privacy

The proposed property would not look out to dwellinghouses at the rear as it would overlook woodlands and its outbuilding. It would be opposite offices sited on the south side of the highway with no additional residential amenity impacts.

The single-storey porch at front would have windows either side, this would face a blank side elevation of no. 386 and achieve in excess of 12m separation distance of to no. 390's porch. In addition, the single-storey rear projection would have no side elevation windows to affect loss of privacy or overlooking, ensuring that these elements of the proposal could be accepted.

The additional side elevation door and windows to the southwest elevation would serve a non-habitable room (porch) and be separated by 11.9m to no. 390's opposite side elevation with two narrow windows. This would be partially screened by the existing 1.8m height from ground, close boarded,

timber boundary fence while serving a limited function of access. Whilst marginally under the recommended separation distance, the property retains its Permitted Development Rights to insert new ground floor windows subject to appearance and as such could do those without planning permission. It is considered a condition requiring ground floor windows to be obscurely glazed would not meet the tests for conditions to be necessary and reasonable in this case given the fact there is potential for boundary fence screening and for such openings to be inserted in any event. The proposed bathroom window at the southwest elevation's first floor would be obscurely glazed and could be conditioned to ensure it would be non-opening or top opening only to allow the neighbours a reasonable degree of privacy and no overlooking.

The northeast side elevation windows would remain generally in the same positions as existing which would have a neutral impact to no. 386's own. It is noted that there is an existing boundary fence and thick green screening between those neighbours' ground floor windows and that both of those neighbouring properties' first floor windows do not directly face each other. Plans do not indicate that the first-floor window serving a bathroom would be obscurely glazed; the previous equivalent first floor served a landing hallway, as such, due to the close proximity of windows and altered/intensified function, Officers propose that this be conditioned to be obscurely glazed to avoid loss of privacy and additional overlooking. Subject to condition, this would have a satisfactory relationship between neighbours with no significant additional impacts on privacy and overlooking.

As such, subject to conditions, it is considered the proposal would comply with requirements of Principle 6 of the SPD.

Overshadowing, outlook and overbearing
With regard to overshadowing, the main body of the property would have an increase in height to 5m to eaves and an overall ridge height of 7.5m. This would have a similar property gap to boundary for both neighbours, with the change of roof forms from side gable to hipped or lean to would reduce bulk and massing which would mitigate against this increase in height.

In relation to no. 390, the property is to the northeast of the neighbour, with the closest neighbouring elevation windowless and the other side elevations with windows. Due to the height, mass, orientation and position of the proposed property, there would be very restricted impact to shadowing very early morning during summer months. It is noted that clear glazing is located within the side elevation of this dwelling's extension however it is not anticipated that that the resultant loss of light to the side elevation opening would be so severe that there would be sufficient harm to justify refusal of the application for this reason. In addition, it is noted that the single-storey rear projection would not intrude on 45° field of outlook for the property's extension rearmost elevation. There would be some limited closure of outlook from no. 390's original rear elevation windows due to the single-storey rear projection, however the separation distance and the reduced massing from the hipped roof design and single-storey form would serve to suitably avoid harmful overbearing impact.

In relation to no. 386, this has an annex set close to the boundary with no windows to its side elevation facing the host and some rooflights; it also extends 7.6m past the rear elevation of the proposed single-storey projection. It is partially screened by a thick green hedging between the main bodies of the properties; as the development would be within most of the existing footprint, it is not expected that the hedging's roots would suffer with the possibility of plant death reducing screening. The increased height and form of the proposal would have very restricted impact to the rooflights of the annex and no. 386's side elevation windows late afternoons in summer months. Available sales records show that the ground floor side elevation window serves a dining kitchen with another main window and rooflights to its rear extension and at first floor, a landing. As such Officers propose that the proposal would have limited impact on overshadowing and no impact on loss of outlook to this neighbour in order to be acceptable.

Noise
A representation was received concerning noise. A footnote has been attached to the Decision highlighting KC powers over limiting undue impacts of construction for residential amenity and to accord with LP52 of the Kirklees Local Plan.

Future Occupiers
In terms of the amenities of the proposed occupiers, Principle 16 of the Kirklees Housebuilders Design Guide SPD states that: *"All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards (NDSS), these are not currently adopted in the Kirklees Local Plan."* Further to this, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *"All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces."*

The proposal would comply with the NDSS for its double bedrooms (including ensuites where available) on the ground and first floor and would not for the single bedroom. On balance, the generous provision of living space and outdoor space is significant and is enough to outweigh the modestly cramped single bedroom for the purposes of Principle 16 and 17 of the SPD.

The proposal would therefore be in general conformance with LP24b of the Kirklees Local Plan, the Key Design Principles relating to residential amenity of the House Extensions and Alterations SPD and Chapter 12 of the NPPF.

<u>4 – Impact on highway safety</u>:

Turning to highway safety and parking, policies seek to ensure that new developments have an acceptable impact on highway safety and provide

sufficient parking. The Highways Design Guide SPD advises that new development should have sufficient off street parking spaces to meet need and to ensure on street parking impact is limited. Principles 12 and 19 of the Housebuilders Design Guide SPD relate to parking and bin storage for highway safety.

For a 4 plus bedroom dwelling, it should have three off street parking spaces to achieve this aim. The proposal would satisfactorily meet this with a turning point at the rear to ensure vehicles can enter in forward gear. The layout to the front amenity space would also limit vehicular clutter and impact on visual amenity. The bin arrangements will remain as existing.

Concerning the representation received on traffic and intensification of use, it is noted that the addition of 2 extra bedrooms to the property is acceptable in principle if there is sufficient parking to the site to accommodate this intensification of use under the Highways Design Guide SPD. The proposal would have a slight existing impact on visibility splays from the street tree on the northeast of the exit which would be mitigated by the turning point to the rear ensuring that vehicles could enter the highway in forward gear without danger or obstruction to the highway.

Representations were received in relation to parking on verges. Whilst this is not within the scope of the application to be considered, or controlled by planning powers, an advisory footnote would be included to highlight that vehicular crossing over footways and verges is controlled by section 184 of the 1980 Highways Act (vehicle crossings over footways and verges). As such, interference with the highway, including verges without a section 184 agreement in place, is an offence which could lead to prosecution.

It is concluded that the proposed development would not adversely affect the existing parking spaces within the site, intensify use and therefore would not cause additional harm to highway safety to a significant degree. This would comply with Policies LP21 and 22 of the Kirklees Local Plan, Key Design Principles 15 –16 of the House Extensions and Alterations SPD, Principles 5, 11 and 12 of the Housebuilders Design Guide SPD, Policy 11 of the Holme Valley Neighbourhood Development Plan, the KC Highway Design Guide SPD and Chapter 9 of the NPPF

5 – Other matters:

Climate Change
When determining planning applications the Council will use the relevant Local Plan policies, Principle 18 of the Housebuilders Design Guide SPD, the NPPF and guidance documents/SPDs to meet targets to achieve net zero carbon emissions. A Climate Change Statement has been supplied. Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development.
Drainage
The site is within a low probability Flood Risk Zone and does not seek to extend its existing off-street parking area further with development limited to

the existing footprint within a substantial soft surfaced garden. For avoidance of doubt, Officers recommend a condition attached concerning drainage of the parking area to ensure that this would not contribute to surface water flooding on Bradley Road and therefore this would have no conflict with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the NPPF.

Biodiversity

The site is not known to have previously been the habitat of any protected flora and fauna or close to a Kirklees Wildlife Habitat Network; however, it is deemed necessary to add a condition requiring the installation of a bird box in order to provide enhancement, the development should incorporate measures to improve biodiversity opportunity, and as such conditions are imposed. In view of this it is considered that the proposal will reasonably satisfy the requirements of Policy LP30 of the Kirklees Local Plan, Principle 9 of the Housebuilders Design Guide SPD and of Chapter 15 of the National Planning Policy Framework in ecological terms.

6 – Representations:

Insofar as they are not addressed elsewhere in this report, the third part representations received in relation to this application are addressed as follows:

- Would increase the value of the area
- Property in bad state of repair and damp

It is considered these considerations can be afforded minimal weight in the consideration of this application.

7 – Conclusion:

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

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

Recommendation **Approve**

Decision Authorisation – Delegated

Application Number: 2023/92759

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, LP03, LP07, LP11, LP21, LP22, LP24, LP28, LP34, LP51 and LP52 of the Kirklees Local Plan, Principles in the Housebuilders Design Guide SPD, and Policies within Chapters 2, 4, 5, 6, 9, 11, 12 and 14 of the National Planning Policy Framework.

3. The elevations of the dwelling hereby approved shall be externally faced in red brick and a buff/beige render finish. The red brick shall be matched to the existing red brick in all respects as far as is practicable. In the event alternative materials of construction are intended to be used to the elevations no works shall take place until a scheme detailing the materials of construction of all elevations has first been submitted to, and approved in writing by, the Local Planning Authority. The elevations of the dwelling shall be completed in accordance with the materials of construction as approved by this condition and shall thereafter be retained.
Reason: In the interests of visual amenity and to comply with Policies LP2 and LP24 of the Kirklees Local Plan, Principles 2 and 13 of the Housebuilders Design Guide SPD as well as policies within Chapter 12 of the National Planning Policy Framework.

4. The roofing materials of the dwelling hereby approved shall be thin leading edge grey concrete tiles. The roofing materials of construction shall thereafter be retained for the lifetime of the development.
Reason: In the interests of visual amenity and to comply with Policies LP2 and LP24 of the Kirklees Local Plan, Principles 2 and 13 of the Housebuilders Design Guide SPD as well as policies within Chapter 12 of the National Planning Policy Framework.

5. The development shall not be occupied until both of the bathroom first floor windows in the southwest and northeast side elevations are installed, they shall be non-opening or top-opening only and shall be fitted with obscure glass to give a grade 5 degree of obscuration before the development is first brought into use. Notwithstanding the provisions of section 55(2) (a) (ii) of the Town and Country Planning Act 1990 and Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Act or Order with or without modification) this window shall thereafter be so retained obscure glass.
Reason: So as not to detract from the amenities of the adjoining properties by reason of loss of privacy and to accord with policies LP24b of the Kirklees Local Plan, Principle 6 of the Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework.

6. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification), no roof extensions or

alterations to the roof, including those falling within Schedule 2, Part 1, Class(es) B or C of the above Order shall be erected or constructed within the application site at any time.
Reason: So as to ensure that inappropriate extensions do not lead to an adverse impact upon visual amenity by reason of overdevelopment of the site or further erosion of the host's character and design to accord with Policy LP24 of the Kirklees Local Plan, Principle 2 of the Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework.

7. Prior to the development being brought into use, the approved vehicle parking areas (including the turning point) shall be surfaced and drained 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 superseded; and thereafter retained throughout the lifetime of the development.
Reason: In the interests of highway safety, to achieve a satisfactory layout and to accord with Policies LP22 & LP28 of the Kirklees Local Plan.

8. A bird box shall be installed within the red line boundary before the dwelling hereby approved is first brought into use and thereafter retained for the lifetime of the development
Reason: In the interests of the biodiversity of the site and in accordance with policy LP30 of the Kirklees Local Plan, Principle 9 of the Housebuilders Design Guide SPD and, policies within Chapter 15 of the National Planning Policy Framework.

FOOTNOTE: The applicant is reminded that parking over footways and verges is only permissible under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges) which may not be forthcoming. Parking within the assigned off-street parking areas within the plot will avoid this. Interference with the highway without such permission is an offence which could lead to prosecution.

FOOTNOTE: Whilst the grant of planning permission is given, the applicant should be aware that Planning Permission does not override legal covenants on properties or Private Rights of Way as these private matters fall outside the remit of the Local Planning Authority. Applicants are reminded that they ensure that the relevant land ownership should be respected and that that the works carried out is lawful.

FOOTNOTE: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned

legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing layout and elevations, Location Plan and Site Plan	Drawing no. 2210/01.		18/09/2023
Existing and Proposed Site Plan with Parking/Landscaping Layout.	Drawing no. PDA 23-157-002.	A	12/01/2024
Proposed Block, Floor, Roof, Elevation and Streetscene Elevation Plans.	Drawing no. PDA 23-157-001.	C	12/01/2024
Climate Change Statement	-	-	18/09/2023

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. The case officer undertook negotiations with the applicant to secure amended plans to ensure the scheme minimised the impact on visual amenity.

Report Dated: 18/01/2024