

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:	2023/62/93468/E
Site Address:	14, Ladyroyd Drive, East Bierley, BD4 6RP
Description:	Demolition of existing garage and erection of replacement garage and two storey side extension with loft conversion
Recommending Officer:	Elenya Jackson

DECISION - REFUSE

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 30-Jan-2024

OFFICER REPORT

Site Description

14 Ladyroyd Drive, East Bierley, Bradford, BD4 6RP

Is a two storey semi-detached dwelling which currently benefits from a private rear garden and a driveway. The dwelling is constructed out of stone which is in keeping with the area; however, there are several examples of extensions within the vicinity. Despite the alterations to the properties, the area is still low density.

The properties that make up Ladyroyd Drive are situated at the end of a cul de sac and the application dwelling is set back from the street scene.

The site is located within the Green Belt.

Description of Proposal

This application has been received for the Demolition of existing garage and erection of replacement garage and two storey side extension with loft conversion.

The application comprises of several components:

A two storey side extension which would not be set down or back from the host dwelling and would feature a gable end which would extend from the eaves of the dwelling, this design would be replicated to the rear. The dimensions of the two storey extension would be 3.8m in width, 7.2m in depth and would be flush with the front and rear of the dwelling. This would have an eaves height of 5.5m with a maximum height of 7.7m (matching the host dwelling).

A single storey side extension which would create a garage, this would have a width of 3m and a depth of 7.2m. This would have a maximum height of 2.9m with a boundary treatment at first floor level to provide a balcony.

The proposal would add three roof lights to the principal elevation and a dormer to the rear elevation. The dormer would have a height of 1.7m and a width of 1.8m.

The proposal would also include a hip to gable alteration to support the first floor extension.

The proposal would be constructed with stone cladding to the front elevation and a rendered rear and side elevation.

Relevant Planning History

97/90979: ERECTION OF PORCH/CONSERVATORY EXTENSION.
Conditional full permission

Representations

The application was advertised by neighbour letters, which expired on 19/01/2023.

One objection was received which raised the following concerns:

- Layout and density of the proposal
- Increased scale of the property creating an overbearing impact
- Loss of privacy due to terrace
- Overlooking due to terrace

Consultation Responses

N/A

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 located within the Green Belt on the Kirklees Local Plan.

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.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development

- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP 24** - Design
- **LP51**- Protection and improvement of local air quality
- **LP52**- Contaminated and unstable land
- **LP57**- Extension alteration or replacement of existing building

Kirklees Council adopted supplementary planning guidance on house extensions on 29th June 2021 which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

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, and 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 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land
- Chapter 14 – Meeting the challenge of climate, flooding and costal 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) Negotiations
- 7) Conditions
- 8) Conclusion

1 – Principle of development:

The application site is located on land allocated as Green Belt on the Kirklees Local Plan. The proposal is for the construction of alterations and extensions to the majority of the dwelling.

Chapter 13 of the NPPF requires Local Planning Authorities to regard the construction of new buildings in the Green Belt as inappropriate development. Exceptions to this include the extension or alteration of a building providing it does not result in disproportionate additions over and above the size of the original building.

An 'original building' is defined in the NPPF glossary as "a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.

Policy LP57 of the Kirklees Local Plan states that extensions will normally be acceptable provided that the host building remains the dominant element both in terms of size and overall appearance. The cumulative impact of previous extensions and other associated buildings will be considered. Proposals to extend buildings which have already been extended should have regard to the scale and character of the original part of the building. Furthermore, the proposal should not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standings, curtilages and enclosures and means of access; and the design and materials used should be sensitive to the character of the Green Belt setting.

In addition, the impact of the development on design grounds, residential amenity and highway safety will also be considered along with, biodiversity and all other material considerations and representations received.

2 –Impact on visual amenity and the openness of the Green Belt:

Key Design Principle 1 of the House Extensions & Alterations supplementary planning document (SPD) states that 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. Furthermore, Key Design Principle 2 of the HEASPD goes on to state that 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 details.

Section 5.3 of the HEASPD refers to side extensions and states that two storey side extension must:

- 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.

Paragraph 5.17 of the HEASPD refers to single storey side extensions and states that single storey side extensions should be offset, not extend more

than two thirds of the width of the original house, and be set back at least 50cm from the original building line to allow for a visual break.

The existing dwelling has a width of 5.9m, and the single storey side extension when combined with the two storey extension would result in a significant increase in the width of the dwelling. The extensions are not set down or set back from the host dwelling and therefore would not appear to be subservient to the host dwelling.

The proposal would also introduce a gable end into the principal elevation of the dwelling which would require the alteration of the dwelling to feature a gable end on its western elevation opposed to a hipped roof.

Paragraph 4.2 of the House Extensions & Alterations SPD states that “the local context, character and identity of the area will be a significant factor in determining the appropriate form and scale of alterations”. Paragraph 4.6 states “where extensions seek to differ from the existing materials, design, roof pitch or detailing, proposals will be considered on a case by case basis.

The properties within the street scene do feature a variety of roof forms; however, the application property is a semi-detached pair and the alteration of the roof to a gable would appear out of character with the host property. When coupled with the gable end to the principal elevation, this would result in an incongruous and out of keeping feature within the street scene and unbalance a semi-detached pair. The proposed hip to gable enlargement is therefore not considered to be acceptable in terms of visual amenity.

In respect of the impact of the proposals on the Green Belt, Policy LP57 of the Kirklees Local Plan states that extensions will normally be acceptable provided that the host building remains the dominant element both in terms of size and overall appearance. The cumulative impact of previous extensions and other associated buildings will be considered. Proposals to extend buildings which have already been extended should have regard to the scale and character of the original part of the building. Furthermore, the proposal should not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standings, curtilages and enclosures and means of access; and the design and materials used should be sensitive to the character of the Green Belt setting.

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

As previously detailed, the scale and mass of the extensions and in turn the overall volume of the dwelling would be substantially increased, and the proposal would result in disproportionate additions over and above the size of the original building which would fail to appear as subordinate. It is therefore

considered that the proposals would constitute inappropriate development, for which no very special circumstances have been demonstrated to outweigh the harm. Furthermore, the proposal's impact on the openness of the Green Belt, both spatially and visually, is considered to be unacceptable, in turn, it would fail to accord with LP57 of the Kirklees Local Plan.

The proposal would fail to comply with Policies LP24 and LP57 of the Kirklees Local Plan in terms of the form, scale and layout, as the extension would not form a subservient addition to the property in keeping with the existing building; nor advice within the House Extensions and Alterations SPD, specifically KDP1 with respect Local Character, taking into account the rural local area. In addition, the proposal would not accord with KDP2 with regards to the impact on the original house as the design of the extension is neither well balanced, proportionate or sympathetic to the existing house or the aims of chapter 12 and 13 of the National Planning Policy Framework

3 – Impact on residential amenity:

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The House Extensions and Alterations SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light, Key Design Principle 6 on preventing overbearing impact and Key Principle 7 for outdoor space.

Impact on 12 Ladyroyd Drive: is attached to the application property as a semi-detached pair.

Overlooking: The proposal would not feature any side facing windows and therefore would not result in overlooking to the garden of No.12.

Overshadowing/loss of light/overbearing: The two storey side extension would be screened by the host dwelling and the first floor dormer to the rear would be set within the roof plane of the dwelling. Therefore, no significant issues would arise regarding overlooking, overshadowing or loss of light.

Impact on 16 Ladyroyd Drive: adjoins the application site to the west.

Overlooking: The proposal would feature a balcony over the proposed garage which would allow views to the south west and north of the application site.

This would be 5.9m away from the shared boundary between the dwellings. It is considered that the balcony would have limited screening and introduce a first floor platform in closer proximity to the rear amenity space of 16 than the existing relationship. Therefore the proposal would give rise to an unacceptable overlooking relationship.

Overshadowing/loss of light/overbearing: The two storey element of the proposal would be situated to the east of no.16 and would be situated 9.3m away from the private amenity space of no.16. No.16 also does not feature any side facing windows. Therefore, no significant issues would arise regarding Overshadowing/loss of light/overbearing.

There are no properties located to the rear of the application site and the properties to the front, on the opposite side of Ladyroyd Drive have an indirect relationship with the application site.

4 – Impact on highway safety:

The proposals would result in some intensification of the domestic use of the property, and would result in the loss of the existing single garage on the site. However, the proposals include a single garage and adequate off-street parking would be retained to the front of the dwelling. On this basis, the proposals would not represent any additional harm in terms of highway safety and as such comply with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extensions and Alterations SPD.

5– Other matters:

Carbon Budget

The proposal is a domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

Contaminated Land

KC Environmental Health have not been consulted on this application; however, the site is located within a low risk coal area. As a result, it would be considered reasonable to add a condition relating to the unexpected discovery of contaminated land. This is reasonable due to the application including ground works. Due to the scale of the proposal, it is considered a footnote would suffice advising of the hours of construction on the application, should permission be granted. As such the application is considered to comply with guidance within Policy LP 52 of the KLP and Chapter 15 of the NPPF

6 – Representations:

One objection was received which raised the following concerns:

- Layout and density of the proposal

Officer response: The scale and mass of the proposal has been assessed in the visual amenity section of the report

- Increased scale of the property creating an overbearing impact

Officer Response: The proposals impact to the residential amenity of neighbouring residents has been assessed in section 3 of the Officer Report.

- Loss of privacy due to terrace

Officer Response: The proposals impact to the residential amenity of neighbouring residents has been assessed in section 3 of the Officer Report.

- Overlooking due to terrace

Officer Response: The proposals impact to the residential amenity of neighbouring residents has been assessed in section 3 of the Officer Report.

7 – Negotiations:

Due to the scale of the proposal and the number of alterations required, officers did not request amended plans for the application.

8 – Proposed conditions

N/A

9 – Conclusion:

This application for the demolition of existing garage and erection of replacement garage and two storey side extension with loft conversion to 14, Ladyroyd Drive, East Bierley, BD4 6RP has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions and Alterations SPD, the National Planning Policy Framework and other material considerations.

The proposed extensions would form disproportionate and out of keeping additions to the dwelling, which would constitute inappropriate development in the Green Belt. To permit the proposals would be contrary to policies LP24 and LP57 of the Kirklees Local Plan, advice within the House Extensions and Alterations Supplementary Planning Document and advice within chapters 12 & 13 of the National Planning Policy Framework.

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.

As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would not constitute sustainable development and is therefore recommended for refusal.

Recommendation

REFUSE

Decision Authorisation - Delegated Powers

Application Number: 2023/93468

Officer Recommendation: REFUSE

REFUSE

1. The proposed extensions, in combination with an earlier extension to the dwelling would result in disproportionate additions over and above

the size of the original building and represent inappropriate development, which is harmful to the Green Belt and the visual amenity of the area. No very special circumstances have been demonstrated to outweigh this harm. The proposed development is therefore contrary to Policy LP57 of the Kirklees Local Plan and paragraph 154c of the National Planning Policy Framework.

1. The proposed extensions and roof alteration by virtue of their scale, mass, design and location would not be subservient to the original dwelling, would detract from the character and appearance of the host dwelling and unbalance the appearance of the semi-detached pair. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions and Alterations SPD and guidance contained within Chapters 12 of the National Planning Policy Framework.
2. The proposed balcony, be reason of its proximity to the private amenity space of 16 Ladyroyd Drive would create an unacceptable overlooking relationship to the occupiers of that property. To permit the proposal would be contrary to Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions and Alterations SPD and guidance contained within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Date Received
Proposed Elevations	PL-008	4/12/2023
Site Location Plan	PL-009	4/12/2023
Proposed Roof Plan	PL-007	4/12/2023
Existing Roof Plan	PL-006	4/12/2023
Climate Change Statement		4/12/2023
Proposed Loft Layout	PL-005	4/12/2023
Proposed First Floor Layout	PL-004	4/12/2023
Proposed Ground Floor Layout	PL-003	4/12/2023
Existing Elevations	PL-002	4/12/2023
Existing Floor Plan	PL-001	4/12/2023

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 Planning 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.

No amendments were requested in this instance as significant alterations were required to the scheme.

