

**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:	<b>2023/62/93544/W</b>
Site Address:	382, Bradley Road, Bradley, Huddersfield, HD2 1PU
Description:	Demolition of existing dwelling and erection of detached dwelling
Recommending Officer:	Katie Chew

**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.**

Teresa Harlow

***AUTHORISED OFFICER***

**Date: 19<sup>th</sup> January 2024**

## **Officer Report**

### **Site Description**

382, Bradley Road, Bradley, Huddersfield, HD2 1PU

The application site relates to a medium sized bungalow which is accessed off Bradley Road in Bradley. The dwelling benefits from garden/amenity areas to both the front and rear, with off-street parking provided within the driveway area to the front. The existing dwelling is constructed from a mixture of pebble dash render and stone with concrete roof tiles.

The site is not located within a Conservation Area and there are no Listed Buildings in close proximity.

### **Description of Proposal**

The application seeks planning permission for the demolition of existing dwelling and erection of detached dwelling.

The proposals seek to demolish the existing bungalow and replace it with a larger two-storey property which seeks to also utilise living accommodation within the roof space. The new dwelling will be located on a similar footprint to the existing property however, given the increase in size of the dwelling will extend out further to the side and rear than the existing property.

The new dwelling will provide 5 bedrooms, 2 bathrooms, en-suite storage spaces, walk in wardrobe, office, snug, lounge, utility and open plan kitchen/diner. Off-street parking is provided within the front driveway for 3 vehicles.

Amenity areas are to remain as is, to both the front and rear, with access provided to either side of the dwellinghouse. Although it is acknowledged these areas will be reduced slightly in size given the increased size of the proposed dwelling.

Materials proposed to be used within the replacement dwelling include reconstituted stone, smooth stone, timber feature cladding and a grey concrete tiled roof.

### **History of negotiations/amendments received**

The applicant's agent was made aware of Officers concerns in respect to the overall scale and size of the building within both withdrawn application 2022/93919 and throughout the pre-application process (app ref: 2023/21042) which also included a meeting with the applicant and applicant's agent. Whilst some of the changes discussed have been implemented within this resubmission, there are still a number of concerns with the proposals and

given the level of discussions already taken place further amendments have not been requested in this instance, Officers have instead sought to move the application to determination.

### **Relevant Planning History**

2022/93919 – Demolition of existing dwelling and erection of detached dwelling. Withdrawn 6<sup>th</sup> March 2023.

### **Pre-application advice**

2023/21042 – Proposed demolition of dwelling and construction of replacement dwelling. Comments made 29<sup>th</sup> September 2023.

Officer comments concluded that the building as submitted was considered to be of a scale and size that was overly dominant and resulted in overdevelopment of the site. Officers requested changes which included:

- Removal of the proposed balcony and gable end to the front of the dwelling.
- Amended roof design to a hipped/asymmetrical roof.
- Reduction to the proposed first floor to be in line with and extend no further than the existing rear elevation of the bungalow.
- A 3m single storey extension may be acceptable to the rear of the property but this would need to be assessed in more detail through any future application.
- The dwelling should provide a 2m set back from the shared boundaries to both sides.
- House appears dominated by windows, these need scaling back and be more traditional in design.
- Rooflights were shown on the elevation plans but not reflected on the floorplans.
- Obscurely glazed windows should be provided on the eastern and western elevations to protect the residential amenity of neighbouring properties.
- The proposed dormer window should be reduced to a smaller hipped roof dormer.
- Section drawings should be submitted to allow Officers to undertake a full assessment of head heights within the loft for future occupiers.
- The ridge height of the single storey rear extensions should be stepped down from the rear windows to ensure the design does not appear cramped.
- Plans to show bin storage and collection points and a swept path analysis.

### **Representations**

Final publicity date expires:

Neighbour Letters – Expired 12<sup>th</sup> January 2024.

11 representations have been received in objection (however 3 reps are from the same objector, 2 other reps are also from the same person, finally 2 more reps are from the same objector – resulting in 7 objectors in total); comments related to the planning merits of the submission are summarised below.

- If planning is granted it will set a dangerous precedent for similar over development of other houses.

**Officer note:** Noted. However, each application is based on its own merits and is assessed as such.

- The house will be nearly twice the height of the traditional existing bungalow, why is it necessary to build 3 levels.

**Officer note:** Noted. This is discussed in more detail within the visual amenity section of this report.

- Concerns in respect of noise pollution.

**Officer note:** Noted. However, given the nature of the proposals for one residential dwelling to replace an existing residential dwelling it is not considered that the scheme would result in noise pollution over and above what would be expected from a residential property. Nevertheless, an informative shall be included should planning permission be granted in respect of hours of construction to restrict noisy construction activities at certain times, and on certain days in the interests of residential amenity.

- Sunlight/natural light will be reduced.

**Officer note:** Noted. This is discussed in more detail within the residential amenity section of this report.

- Design/appearance is greatly out of character with the area.

**Officer note:** Noted. This is discussed in more detail within the visual amenity section of this report.

- The dwelling will appear overbearing on neighbouring properties.

**Officer note:** Noted. This is discussed in more detail within the residential amenity section of this report.

- Concerns on the effects the proposals will have on neighbouring properties privacy.

**Officer note:** Noted. This is discussed in more detail within the residential amenity section of this report.

- The only reason why 345 Bradley Road was lowered in height and the balcony removed was because neighbours objected.

**Officer note:** Noted. Each case is based on its own merits.

- Whilst the plans outline that the property will have 5 bedrooms, the office, snug and storage area could be converted resulting in an 8 bedroomed dwelling. The parking area to the front would be unable to accommodate the required parking thus likely resulting in on-street parking.

**Officer note:** Noted.

- No objections to redevelopment of the site subject to a new dwelling being of a similar height to the existing bungalow.

**Officer note:** Noted.

- Within the submitted Design and Access Statement the applicant's agent tries to give weight to the application by showing images of neighbouring houses with out-buildings or extensions. These are all single storey buildings or extensions and therefore do not hold weight to this application.

**Officer note:** Noted.

- Concerns in respect of the accuracy of the submitted plans.

**Officer note:** Noted. Officers have undertaken their own measurements and whilst there may be some errors within the Design and Access Statement submitted, measurements within the submitted drawings appear to be correct.

- There are no justifiable economic, social or environmental reasons for the development on this scale.

**Officer note:** Noted.

- Appreciate that there have been revisions to last year's submission but going from a gigantic house to a massive house does not then make this application suitable.

**Officer note:** Noted.

- The applicants have never occupied the dwelling since purchasing it, hence why it has fallen into disrepair.

**Officer note:** Noted.

- Why would the applicant buy a 2 bedroomed bungalow if it did not suit their needs in the first place.

**Officer note:** Noted.

- Struggling to see what has changed with this application other than the removal of balconies.

**Officer note:** Noted. The changes made since the previous application in 2022 are discussed in more detail within the visual amenity section of this report.

- Bradley Road is a very busy road with lots of traffic, there is also a cycle lane in operation with many school children and pedestrians walking along the pavement, what will this be like once the proposed development gets underway with all the construction traffic.

**Officer note:** Noted. The Council's Highways Officers have previously been consulted on the proposals and raised no objections in respect of construction traffic.

- There is a recognised shortage of homes to meet the needs of an ageing population and disabled people. By allowing a traditional bungalow to be demolished and replaced by a huge family house would mean even less bungalows available on the market locally for elderly residents and those who wish to downsize. This would also contravene the Labour Council manifesto 2018 under Housing – Extra Care.

**Officer note:** Noted.

- Concerns in regard to wellbeing and stress on neighbours.

**Officer note:** Noted. Unfortunately, this would not be a material planning concern and therefore Officers have not sought to assess this within the report.

- Concerns in relation to the proposed roof causing problems with rainfall and drainage at times of heavy rainfall and poor weather. The excessive water run-off from the large roof may have an adverse effect on the boundary walls and drainage of adjacent neighbouring properties.

**Officer note:** Noted. Details on guttering could be requested should the application be approved.

- Concerns surrounding the effect heavy machinery plant will have on the foundations and structure of adjacent neighbouring properties.

**Officer note:** Noted. This would be a civil matter that would need to be resolved outside of this planning application should it be approved.

- Bungalows should be kept at the height they already are.

**Officer note:** Noted.

**Officer note:** We are currently undertaking the legal 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 only, details of which are outlined above.

### **Consultation Responses**

No technical consultations required.

### **Parish/Town Council**

N/A.

### **Local Ward Members**

None.

### **Planning Policy Background**

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 27<sup>th</sup> February 2019).

The application site is unallocated within the Kirklees Local Plan. However, it is important to note that there is a Housing Allocation (ref: HS11) to the north of the site.

### **Kirklees Local Plan (LP):**

- **LP1 – Achieving Sustainable Development**
- **LP2 – Place Shaping**
- **LP3 – Location of New Development**
- **LP7 – Efficient and Effective Use of Land**
- **LP11 – Housing Mix and Affordable Housing**
- **LP21 – Highways and Access**
- **LP22 – Parking**
- **LP24 – Design**
- **LP51 – Protection and Improvement of Local Air Quality**
- **LP52 – Protection and Improvement of Environmental Quality**

### **Other Guidance Documents:**

- Kirklees Highways Design Guide (2019)
- National Design Guide

- Nationally Described Space Standards
- Kirklees Housebuilders Design Guide SPD (2021)
- Kirklees Waste Management Design Guide for New Developments (2020)
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021)
- Kirklees Climate Change Guidance for Planning Applications (2021)

## **National Policies and Guidance**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 20<sup>th</sup> December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- 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
- Chapter 15 – Conserving and enhancing the natural environment

## **Legislation**

The Town & Country Planning Act 1990 (as amended).

The Planning and Compulsory Purchase Act 2004.

The Conservation of Habitats and Species Regulations 2017

## **Summary of Principal Planning Issues**

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact of the proposed development upon the visual amenity of the area
- 3) Impact of the proposed development upon the privacy and amenity of neighbouring properties
- 4) Impact on highway safety
- 5) Other matters
- 6) Conclusion

## **1 – Principle of Development**

## 1.1 - Sustainable Development

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal. 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.

The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. National planning policy requires local planning authorities to demonstrate five years supply of deliverable housing sites (5YLS) against their housing requirement.

The NPPF (para 76) states Local Planning Authorities are **not** required to demonstrate a 5 YLS if their adopted plan is less than 5 years old and the plan identified at least a five year supply of sites. Therefore, at this moment in time the Council are not required to demonstrate a 5 YLS until after 28<sup>th</sup> Feb 2024 (when the Local Plan is more than 5 years old). This means that until 28<sup>th</sup> Feb 2024 an application will be dealt with on its individual merits as the tilted balance does not currently apply as a result of the changes to the NPPF.

From 28<sup>th</sup> Feb 2024 – The revised (para 77) states Local Planning Authorities should identify a minimum of 5 YLS against the housing requirement in the circumstances where an adopted plan is more than 5 years old. At this point in time, the Council will not have a 5 YLS. At that point the 'presumption in favour of sustainable development' will need to be applied for the purposes of decision making.

The judgement in this case is set out in the officer's assessment below.

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.

As the application site measures just 892sqm it is deemed that the site could potentially be capable of providing 3 dwellings based on the above figures. However, given the nature and context of the area, and that this application relates to the replacement of an existing dwelling, it is considered reasonable that just 1 dwelling is proposed to be constructed at this site.

In this case, the application site is on land without notation within the Kirklees Local Plan. Given the existing residential use of the site, it is considered that the principle of redevelopment of the existing use in this location is acceptable, subject to the assessment of impacts on visual and residential amenity, highway safety and other matters.

## **2 – Impact on Visual Amenity**

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby paragraph 131 provides a principal consideration concerning design which states:

*“The creation of high-quality beautiful and sustainable 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 135 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, whilst 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 the development in the local area, thus retaining a sense of local identity.

LP24 states that all proposals should promote good design by ensuring the following:

*“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”*

Policy LP11 of the KLP sets out that all proposals for housing, including those affecting the existing housing stock, will be of high quality and design to 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. Relevant to this is the Kirklees Housebuilders Design Guide SPD 2021, which aims to ensure future housing development is of high-quality design.

Principle 2 of the Kirklees Housebuilders Design Guide SPD states that:

*“New residential development proposals will be expected to respect and enhance the local character of the area by:*

- Taking cues from the character of the built and natural environment within the locality.*
- Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.*
- Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.”*

Regarding the layout and siting of the proposed dwellings, Principle 5 of the Housebuilders Design Guide states, amongst other things, that buildings should be aligned and set-back to form a coherent building line and designed to front on to the street.

In terms of siting and layout, in this instance the proposed dwelling is to replace an existing property and will in majority sit on the existing footprint, facing out towards Bradley Road. Whilst the replacement dwelling will follow the existing principal elevation of the bungalow, the proposals do seek to extend out by an additional 4m to the rear, which would result in the proposals extending out beyond the rear elevations of adjacent neighbouring property nos. 378 & 384 Bradley Road. Whilst Officers do note that there are some instances along this stretch of road where extensions and outbuildings protrude out of this building line to the rear, these additions are typically linear and single storey in height and therefore have a significantly different appearance when compared to the proposals within this application, whereby approximately 1.2m of this protrusion would relate to a 2 storey element. As will be discussed in more detail below, Officers are of the opinion that this increase in footprint and disturbance in the existing building line, coupled with the increase in scale and massing arising from the replacement dwelling would result in the proposals not complying with Principle 5 of the above SPD.

In relation to scale, massing and appearance, dwellings within the immediate area typically comprise of either single/two storey medium/large, detached dwellings or single/two storey medium sized semi-detached dwellings. Dwellings are traditional in design hosting a mix of pitched, lean to, or hipped roof designs.

Principle 15 of the Housebuilders design guide sets out that the design of the roofline should relate well to the site context, including topography, views, heights of buildings and the roof types.

In this instance the resubmitted plans have sought to replace the originally proposed pitched and lean to roof design with an asymmetrical pitched roof with a single storey lean to element to the rear. This design is welcomed as it helps to reduce the overall bulk and massing of the property to adjacent bungalow no. 378 Bradley Road, simplifies the originally submitted design, and better reflects properties found within the area, as this type of roof design can be found throughout Bradley Road. In terms of the height of the dwelling, from looking at the submitted plans, the dwelling is to be of a similar ridge height to that of no. 384 and therefore this is considered to be acceptable in this location.

Principle 14 of the Housebuilders design guide states that the design of windows and doors is expected to relate well to the street frontage and neighbouring properties and reflect local character in style and materials.

The proposed windows and doors on this occasion appear to have been significantly reduced since the previous submission and are considered to be of a more traditional and simple appearance which reflects the local character in style. Officers do note that there appears to be an error with the submitted plans whereby a rooflight shown within the second-floor bathroom appears to be missing from the eastern elevation plan. Amendments have not been sought on this occasion given the conclusions drawn on the scheme as a whole.

Principle 13 seeks to ensure consideration is given to use locally prevalent materials and finishing to reflect the locality.

In respect to materials, the proposed dwelling is to be constructed from reconstituted stone and grey concrete roof tiles. Officers also note the provision of a covered entrance along the principal elevation of the dwelling, which is to be finished with timber feature cladding. Whilst it is acknowledged that throughout the immediate area there is a wide variation in materials and designs and that inset covered entrances can be found within the street scene, therefore this element and the use of reconstituted stone, timber cladding and concrete roof tiles may be acceptable, should planning permission be granted Officers would wish to attach a condition requiring the applicant to submit samples to the Council for assessment prior to their installation. This is in the interests of visual amenity and to ensure the scheme would provide a sympathetic palette of materials in this prominent and openly visible location.

Principle 6 of the Housebuilders Design Guide SPD highlights that *'the space between buildings can help maximise residential amenity in terms of maintaining privacy, reducing overlooking and ensuring natural light is able to penetrate the buildings...normally new build development should seek appropriate separation distances for servicing, accommodating future*

*adaptions and creating attractive street scenes. These should be in keeping with the character and context of the site and proportionate to the scale of the dwellings'.*

Paragraph 7.19 of Principle 6 states that for houses two-storeys or above, there should normally be a minimum of a 2m distance from the side wall of the new dwelling to a shared boundary. To the west there would be a separation of ~1.6m, and to the east, given the location and angle of the boundary, the separation distances would vary between 1.1m-2.3m. therefore the proposals would not meet the requirements of Principle 6 and would therefore support Officers concerns in respect of the proposals resulting in a cramped form of development.

In terms of amenity areas, Principle 17 of the Housebuilders Design Guide SPD discusses outdoor amenity areas. It highlights that external space should be able to provide space for activities such as playing, drying clothes and waste storage. Outdoor space should also be in part, able to receive direct sunlight for part of the day, all times of the year. Dwellings along Bradley Road are somewhat uniform in relation to the size and location of their garden/amenity spaces, with smaller grassed and hard surfaced areas for parking to the front of the properties, and large grassed gardens to the rear. The proposals in this instance would retain a large portion of the existing rear garden area and therefore the amount of garden space to be provided is deemed to be acceptable in relation to the scale and size of the proposed dwelling. In addition, given the orientation of the dwelling and its amenity areas it will benefit from direct sunlight throughout the day and therefore it is considered that the proposed amenity space would meet the requirements of Principle 17 of the Housebuilders Design Guide SPD.

Whilst the proposed amenity space and materials may be supported, this alone would not be sufficient to overcome other concerns raised throughout the report.

In conclusion, the proposal, by virtue of the layout of the dwelling, its cramped appearance on the plot, scale and massing, would represent a contrived form of development that would fail to sympathetically integrate with the existing development in the locality. It is therefore considered to be out of keeping with the immediate area and would therefore fail to harmonise with the character of the street, introducing an incongruous addition to Bradley Road. It is therefore considered that the proposal would not accord with Policies LP1, LP2, LP11 and LP24(a) of the Kirklees Local Plan, Principles 2, 5 and 6 of the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

### **3 - Impact on Residential Amenity:**

Sections B & C of the Kirklees Local Plan Policy LP24 which 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 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future occupiers.

Principle 6 of the House Builders Design Guide sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.

Neighbouring properties with the most potential to be impacted by the proposals are discussed below.

#### *Impact on no. 378 Bradley Road*

This neighbouring property is located to the east of the application site, approximately 2.7m away. Whilst it is acknowledged that 2 new windows are proposed within the eastern elevation of the dwelling, these windows would look out onto a blank elevation belonging to no. 378 Bradley Road and would be partially screened by existing boundary treatments which run between both dwellings. In terms of overlooking of rear garden/amenity spaces, the proposed dwelling is located within a built-up residential area whereby these types of relationships are not uncommon, furthermore any views taken from the rear windows of the new dwelling would have oblique views and would not directly overlook this neighbouring properties amenity space, therefore it would be considered unreasonable to recommend refusal based on the above reasons.

In terms of the proposals appearing overbearing in nature, Officers consider that the replacement dwelling would appear overly dominant and overbearing on no. 378 as submitted. This is due to the close proximity of the proposed dwelling to this neighbouring property, and the shared boundary, coupled within the scale, size and proposed siting of the dwelling which is to extend approximately 1.2m at first floor level and 2.9m at ground floor level from the rear elevation of no. 378. Whilst it is acknowledged that the dwelling has been designed with an asymmetrical pitched roof to limit the amount of bulk and massing towards this neighbouring property, Officers do not consider that the proposals have sufficiently demonstrated that the proposals would not have an adversely overbearing impact on both windows within the rear elevation of no. 378, with plans and details outlined within the submitted design and access statement appearing to have errors. Furthermore, there is potential that the proposals would impact on the outlook from these rear windows.

Moving on to shadowing, whilst it is acknowledged that additional shadowing will arise from the proposals than what is present currently, this shadowing will move across the property from the rear to the front throughout the day, retaining some useable amenity space at all times. Therefore, Officers have no undue concerns in respect to overshadowing on this occasion.

### Impact on no. 384 Bradley Road

This neighbouring property is located to the west of the application site, approximately 4.5m away. Whilst it is acknowledged that windows are proposed within the western elevation of the new dwelling, these windows relate to a dining room and lounge which are shown to benefit from other sources of natural light and outlook, and a family bathroom at first floor level. Given the nature of these windows they could be conditioned to be obscurely glazed should planning permission be granted and therefore there are no concerns in respect of overlooking from this element of the scheme. Furthermore, rooflights within the western elevation are considered to be of a height whereby no direct views into any habitable room windows belonging to this adjacent neighbouring property could be obtained.

Officers acknowledge that concerns have been raised in respect of overlooking of rear amenity spaces, whilst this is noted no. 384 is located in a residential and built-up area whereby views across their rear amenity spaces do already exist (from no. 386) and relationships such as this are not uncommon in these locations. Nevertheless, any views taken from the rear windows of the proposed dwelling would have an oblique view across the garden area and would not directly overlook this space, therefore it is not considered reasonable to recommend refusal based on this conclusion.

From looking into previous planning history at no. 384, it appears that a window located within the eastern elevation of no. 384 relates to a shared kitchen/dining room and is the only window used to provide light into this area. It is acknowledged that the increase in scale and massing of the proposed dwelling in this location, and the orientation of the proposed dwelling which is to be located just 3m away from the eastern elevation of no. 384. It is therefore considered that the proposals would also have an undue overbearing impact on this window, resulting in a loss of outlook and light.

Finally, in terms of overshadowing, the proposals will result in an increase in shadowing towards no. 384 however, this would not be for a prolonged period of the day (a short time in the early morning) and therefore this is not considered to cause undue harm to the occupiers of this neighbouring property.

### Impact on Housing Allocation HS11

This Housing Allocation site is located to the north of the application site, approximately 37m away from the rear elevation of the new dwellinghouse. Given this large separation distance Officers have no concerns in regard to overshadowing, overlooking, or the proposals appearing overbearing in nature on any future development at this site.

### Amenity of future occupiers of the proposed dwelling

Consideration must also be given to the amenity of future residents of the proposed dwelling. Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings accord with the 'Nationally Described Space Standards' document (March 2015). Internally, the proposed dwelling would have a GIA that would comfortably exceed the minimum space standards set out in the Nationally Described Space Standards (NDSS), therefore Officers are content that the proposed dwelling would provide an adequate standard of amenity for future occupiers. In addition, all habitable rooms benefit from at least one window and therefore Officers consider that there would be sufficient access to outlook and natural light.

Finally, in terms of Principle 17 of the Housebuilders Design Guide proposals should provide adequate access to private outdoor space that is both functional and proportionate to the size of the dwelling and the character/context of the area. In this instance Officers consider the amount of private amenity space to be adequate given the size of the dwelling and the surrounding area.

It is also important to note that should planning permission be granted an informative will be attached which restricts noisy construction activities to certain times, this is due to there being potential for the loss of amenity to the occupiers of nearby properties from noise and vibration during the construction phase of the development.

For the aforementioned reasons, the proposals are considered to be contrary to Policy LP24 of the Kirklees Local Plan, Chapter 12 of the NPPF and Principles 6 of the Housebuilders Design Guide SPD.

#### **4 - Impact on Highway Safety:**

Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact to highway safety and provide sufficient parking. Furthermore, paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Principle 12 of the Housebuilders Design Guide sets out, amongst other things that parking to serve dwellings should not dominate streets and should be to the side/rear.

Principle 19 of the Housebuilders Design Guide states that provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development.

The proposals seek to demolish an existing 2 bedrooomed bungalow and replace it with a large two-storey property, which also provides living accommodation within the roof space. Taking into consideration principle 12

of the SPD the proposed parking is to be located on the driveway to the front of the property.

In terms of parking provision, the Kirklees Highways Design Guide outlines that Kirklees Council has not set local parking standards but notes that as an initial point of reference for residential development, 4+ bedroomed dwellings should provide 3 off-street parking spaces.

Whilst the Council's Highways Officers have not been consulted under this application they were consulted under a recent similar application ref: 2022/93919, whereby they did not object to the proposals in principle but they did request that the location and dimensions of the proposed parking spaces together with a swept path analysis to show that these vehicles can turn within the site curtilage to ensure that vehicles can enter and exit the site in forward gear for road safety reasons was provided. These details have again not been provided within this resubmission.

In respect of Principle 19 of the SPD, no details have been provided in respect of the proposed bin storage and collection facilities however, given the space left to the front of the dwelling, it is reasonable to assume that the bin storage and collection will remain as is.

Taking the above assessment into account, the proposals do not provide adequate information to allow a proper highways assessment to be completed and therefore it cannot be concluded that the proposals would be able to provide sufficient and safe off-street parking for the proposed dwelling. The proposals as submitted are therefore not considered to comply with Local Plan Policies LP21 and LP22, the guidance contained within the National Planning Policy Framework, and Principle 12 of the Housebuilders Design Guide SPD.

## **5 - Other Matters:**

### Contaminated Land

With regard to land quality, Chapter 15 of the National Planning Policy Framework and policy LP53 of the Kirklees Local Plan which seeks to ensure land quality is maintained as part of new development is relevant.

Whilst Environmental Health Officers have not been consulted on this application, they were consulted on a recent similar application ref: 2022/93919 whereby they highlighted that the site is not on land identified as potentially contaminated on the Council's mapping systems however, as the proposed development will involve ground works it will be necessary to recommend a condition relating to unexpected ground contamination should planning permission be granted. Officers consider that this advice is still relevant and is sufficient to mitigate against any potential land contamination.

### Biodiversity

Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Principle 9 of the Housebuilders Design Guide SPD is also of relevance.

Whilst it is acknowledged that the application site is not located within a Bat Alert Area, should planning permission be approved biodiversity enhancements could be requested through such things as bat or bird boxes to be installed integral to the proposed dwelling to accord with LP30 of the Kirklees Local Plan, Principle 9 of the Housebuilders Design Guide SPD and Chapter 15 of the NPPF.

### Climate Change

On 12<sup>th</sup> 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 pre-dates 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.

Principle 18 of the Housebuilders Design Guide sets out that new proposals should contribute to the Council's ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their reliance on sources of non-renewable energy. Proposals should seek to design water retention into proposals.

The application is supported by a Climate Change Statement which outlines that all windows and doors will be new and have a high energy performance specification and that smart metres, efficient white goods appliances and controlled heating systems can be installed. All materials used within the new dwelling are also to be bought locally and local labour used where possible.

In addition, and in accordance with Government guidance on air quality mitigation, outlined within the NPPG and Chapter 15 of the NPPF, and local policy contained within LP24 and LP51 and the West Yorkshire Low Emission Strategy Planning Guidance seeks to mitigate Air Quality harm. Given the scale and nature of the development officers would seek the provision of an electric vehicle charging point within the curtilage of the site to serve the new dwelling. The purpose of this is to promote modes of transport with low impact

on air quality. This is now controlled by Part S of the Building Regulations which came into force in June 2022, and would not be repeated as a planning condition.

There are no other matters for consideration.

## **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 proposed development would not constitute sustainable development and is therefore recommended for refusal.

### **Recommendation:**

Refuse.

Decision Authorisation - Delegated Powers

Application Number: 2023/93544

Officer Recommendation: Refusal.

### **Reasons for Refusal:**

1. The proposed dwelling by virtue of the layout of the dwelling, its cramped appearance on the plot, scale and massing, and its prominent and open location on Bradley Road, would represent a contrived form of development that would fail to sympathetically integrate with the existing development in the locality. It is therefore considered to be out of keeping with the immediate area and would fail to harmonise with the character of the street, introducing an incongruous addition to Bradley Road. It is therefore considered that the proposal would not accord with Policies LP1, LP2, LP11 and LP24(a) of the Kirklees Local Plan, Principles 2, 5, and 6 of the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.
2. The proposed residential development, by reason of its siting, scale, massing, orientation and close proximity to neighbouring land would have a significant overbearing and oppressive impact upon the amenity and outlook of no. 378 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 Chapter 12 of the National Planning Policy Framework.

3. The proposed residential development, by virtue of its location, scale, massing and orientation of the proposed dwelling to a kitchen window within adjacent neighbouring property no. 384 Bradley Road, it is considered that the proposals would have an overbearing impact upon the residential amenity of the occupiers of no. 384 Bradley Road, resulting in a loss of outlook and light. 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 Chapter 12 of the National Planning Policy Framework.
  
4. The proposals have not demonstrated that the application site can be accessed effectively and safely by all users. Furthermore, insufficient information has been provided to help establish whether the required number of off-street parking spaces can be located within the driveway of the proposed dwelling and therefore a full assessment has not been able to be undertaken on whether the proposals would have a detrimental impact upon highway safety. The proposals would therefore not accord with Policies LP21 and LP22 of the Kirklees Local Plan, Chapter 9 of the National Planning Policy Framework, Principle 12 of the Housebuilders Design Guide Supplementary Planning Document and the Kirklees Highways Design Guide Supplementary Planning Document.

**Plans and specifications schedule:-**

<b>Plan Type</b>	<b>Reference</b>	<b>Web ID</b>	<b>Date Received</b>
Existing Plans, Elevations & Location Plan	0022-100-RG	P01	1 <sup>st</sup> December 2023
Proposed Plans & Elevations	0022-200-RG	P01	1 <sup>st</sup> December 2023
Block Plan & Visuals	0022-250-RG	P01	1 <sup>st</sup> December 2023
Design and Access Statement – Supporting Information	-	-	1 <sup>st</sup> December 2023
Climate Change Statement – Supporting Information	-	-	1 <sup>st</sup> December 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 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 applicant's agent was made aware of Officers concerns in respect to the overall scale and size of the building within both withdrawn application 2022/93919 and throughout the pre-application process (app ref: 2023/21042) which also included a meeting with the applicant and applicant's agent. Whilst some of the changes discussed have been implemented within this resubmission, there are still a number of concerns with the proposals and given the level of discussions already taken place further amendments have not been requested in this instance, Officers have instead sought to move the application to determination.

Report Dated:

15/01/2024