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:	**2024/62/91564/E**
Site Address:	14, Ladyroyd Drive, East Bierley, BD4 6RP
Description:	Erection of two story side extension and rear dormer
Recommending Officer:	Elenya Jackson

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: 07-Nov-2024

OFFICER REPORT

Site Description

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

The site is a two storey semi-detached dwelling which benefits from a private rear garden and a driveway. The dwelling is constructed out of stone which is in keeping with the area. There are several examples of extensions within the vicinity. Despite these 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 following a previous refusal for ‘the Demolition of existing garage and erection of replacement garage and two storey side extension with loft conversion’.

The revised application is for the erection of two storey side extension and rear dormer

The application comprises of several components:

A two storey side extension which would be set back from the host dwelling by 60cm at first floor level. The width of the proposal would be 4.1m with a depth at first floor level of 6.8m and depth at ground floor level of 7.1m.

The proposal would feature a hipped roof and have a maximum height of 7.6m.

The proposal would add four roof lights to the principal elevation and a dormer to the rear elevation and a rear window. The dormer would have a height of 2m and a width of 2.5m.

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

2023/93468: Demolition of existing garage and erection of replacement garage and two storey side extension with loft conversion. Refused for the following reasons:

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.

2. 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.

3. 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.

Whether the proposal the subject of this application have overcome these reasons is set out in the ‘Assessment’ section of this report.

Representations

The application was advertised by neighbour letters, which expired on 1/08/2024.

One objection was received which raised the following, summarised, concerns:

- Plan accuracy, the plans show no former to front but one to the rear
- Layout and density, a 2 bed semi will become 5 bed, with parking for 2 vehicles.
- The extension will be overbearing / unbalance the adjoining property
- Roof lights not being in-keeping

Amended plans were received during the course of the application at officers request and the description of the proposal amended to accurately reflect the fact the dormer is to the rear roof slope. It was not considered necessary to re-advertise the amended plans or revised description as the principle of the proposal was considered to be publicised within the initially advertised development.

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
- **LP 51** – Protection and improvement of local air quality
- **LP 52** – Contaminated and unstable land
- **LP 57** – 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 December 2023 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 and beautiful 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
2) Impact on visual amenity
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters
6) Representations
7) Negotiations
8) Conditions
9) Conclusion

<u>1 – Principle of development</u>:

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 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.

The proposal has been reduced in scale since the previous submission and the single storey side projection has been removed from the proposal.
This would create a 27m^2 increase in footprint to the host dwelling at ground floor level compared to the previous application which has a ground floor footprint of 54m^2. The design of the roof has been amended since submission to a hipped roof which would reduce the bulk of the proposal and allow it to integrate with the host dwelling.
It is considered that due to the reduced scale of the proposal, the proposed extensions and in turn the increase in volume of the dwelling would not be inappropriate and the proposal would not result in disproportionate additions over and above the size of the original building thus appearing as a subservient addition.

It is therefore considered that the proposals impact on the openness of the Green Belt, both spatially and visually, is considered to be acceptable, and, in turn, it would accord with LP57 of the Kirklees Local Plan.

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.

<u>2 –Impact on visual amenity</u>:

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 onto 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.

The existing dwelling has a width of 5.9m, the refused application featured a single story additional projection which has been removed which increases the proposals separation distance from the neighbouring boundary and reduces the scale of development on site. Alterations have been submitted during the course of the application which include a set is set back from the principal elevation of the dwelling at first floor level which would aid the proposals subservience to the host dwelling. It is acknowledged that the proposal is not set back at ground floor level from the principal elevation, but it is considered that no.16 benefits from an extension that is not set down or set back, as does the immediately adjoining dwelling and therefore the proposal would not be overly out of keeping with the host dwelling.

The proposal would therefore accord with section 5.3 of the HEASPD.

Alterations have been undertaken to the proposal since submission to alter the roof to feature a hipped roof. This would be in-keeping with the host dwelling and sympathetic to the adjoining dwelling.

Section 5.4 of the HEASPD refers to dormer and roof extensions and states:

- dormers should relate to the appearance of the house and existing roof
- Be designed in style and materials similar to the appearance of the existing house and roof
- Not dominate the roof or project above the ridge of the house
- Be set below the ridgeline of the existing roof and within the roof plane; and be aligned with existing dormer windows on neighbouring properties in the same roof plane where relevant

It is considered that the proposed dormer would be subservient in scale to the roof plane, not extend above the existing ridge and be at the rear of the dwelling. It is considered that the proposed dormer would be acceptable in the context of the site.

The previous application was refused due to the proposed roof alterations not being in-keeping with the existing dwelling and unbalancing a semi-detached pair.

This application features a hipped roof which matches both the existing dwelling and the adjoining neighbour and removes the front facing gable end. It is therefore considered the previous reason for refusal has been overcome by this application.

It is recommended materials which match those used in the construction of the existing dwelling are secured by condition. The proposal would comply

with Policy LP24 and LP57 of the Kirklees Local Plan in terms of the form, scale and layout, as the extension would form a subservient addition to the property in keeping with the existing building and the House Extensions and Alterations SPD, specifically KDP1 and KDP2 with respect Local Character, taking into account the rural local area.

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 not feature any side facing windows. There would be a side facing door at ground floor level which would be in line with the existing garage and no issues regarding overlooking would be raised.

Overshadowing/loss of light/overbearing: The two storey element of the proposal would be would not intercept the private amenity space of no.16. Therefore, no significant issues would arise regarding Overshadowing/loss of light/overbearing.

The previous application had three reasons for refusal, the third relating to the proposals impact on the amenity space of neighbouring residents.

The single storey additional side extension has been removed from the application, which would increase spacing between the dwellings and remove the first floor balcony. The proposal also would not feature any first floor side facing windows. It is considered the previous reason for refusal of the proposals proximity to the private amenity space of no.16 has been overcome.

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:

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principles 15 and 16 of the adopted House Extensions & Alterations SPD seek to ensure that acceptable levels of off street parking / waste storage areas are retained and are also considered to be relevant.

The proposals would result in some intensification of the domestic use of the property, but would retain the existing single garage on the site. The proposals include a single garage and further off-street parking would be retained to the front of the dwelling.

The levels of off street parking which can be retained within the curtilage of the site is considered to be acceptable taking account of the additional living accommodation that would form the development proposal. Suitable waste storage arrangements also remain within the curtilage.

On this basis, the proposals would not represent significant 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:

- Plan accuracy, the plans show no former to front but one to the rear

Officer Response: The updated description and amended submitted plans accurately reflect the development proposal.

- Layout and density, a 2 bed semi will become 5 bed, with parking for 2 vehicles.

Officer Response: This is addressed in section 4 of this report.

- The extension will be overbearing / unbalance the adjoining property
- Roof lights not being in-keeping

Officer Response: This is addressed in sections 2 and 3 of this report.

7 – Negotiations:

Officers requested alterations to the design of the roof of the proposal and that the proposal featured a set down and set back. The proposal was set back at first floor level and roof level which satisfied officers requests.

8 – 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.

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 constitute sustainable development and is, therefore, recommended for approval.

Recommendation **APPROVE**

Decision Authorisation - Delegated Powers
Application Number: 2024/91564
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 ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP23, LP24 and LP51 and LP57of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

3. The external walls and roofing materials of the extension hereby approved, shall in all respects match those used in the construction of the existing building. The walls of the rear dormer hereby approved shall tile hung in materials which in all respects match those of the existing building. The materials of construction approved by this condition shall be retained thereafter.
Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and the aims of Chapter 12 of the National Planning Policy Framework.

4. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works on site (save for site investigation works) shall cease immediately and the Local Planning authority shall be notified in writing within 2 working days. Works on site shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, no part of the site shall be brought into use until such time as the whole site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.
Reason: To identify and remove unacceptable risks to human health and the environment and in accordance with Policies LP53 of the Kirklees Local Plan and the NPPF.

NOTE: Please note that the granting of planning permission does not overrule private legal rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works as construction and maintenance or parking of vehicles may involve access to land outside your ownership or subject to private rights of way.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) to obtain this

permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours, Mondays to Fridays, 08.00 and 13.00 hours, Saturdays, with no working Sundays or Public Holidays. In some cases, different site-specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services may control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule:

Plan Type	**Reference**	**Version**	**Date Received**
Location Plan	PL-009		13/06/2024
Existing Site Plan	PL-001		13/06/2024
Existing Elevations	PL-002		13/06/2024
Existing roof plan	Pl-006		13/06/2024
Proposed roof plan	PL-007	P3	2/10/2024
Proposed Elevations	PL-008	P5	5/11/2024
Proposed loft floor plans	PL-005	P4	5/11/2024
Proposed floor plans	PL-003	P2	31/05/2024
Proposed floor plans	PL-004	P3	5/11/2024

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 has, 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. Revised plans were requested during the course of the application and a revised description was agreed. The plans were not readvertised as they did not significantly alter the design or scale of the proposal.