

**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:	2024/62/91731/W
Site Address:	8, Bradfield Close, Bradley, Huddersfield, HD2 1PL
Description:	Erection of first floor side extension
Recommending Officer:	Lucy Taylor

DECISION – Full Conditional 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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 13-Aug-2024

Officer Report.

Reference: 2024/91731

Location: 8, Bradfield Close, Bradley, Huddersfield, HD2 1PL

Proposal: Erection of first floor side extension

Site Description.

8 Bradfield Close is a two-storey detached dwelling. The external walls of the property are faced in brick and render, with a tiled roof. To the eastern side, the property benefits from a single storey attached double garage. Private outdoor amenity space is present to the rear of the dwelling, and to the principal elevation of the dwelling is a front garden and driveway.

The property is located within a residential cul-de-sac, where a sense of similarity is established, with the surrounding properties detached, two-stories in height and faced in matching materials.

Description of Proposal.

Planning permission is sought for the erection of a first-floor side extension.

The proposed first-floor side extension would be erected above the existing double garage, having the same projection from the host dwelling as the existing garage and the same length, as well as having a ridge height the same as the ridge height of the host dwelling.

The external walls of the extension would be faced in brick and render to match the host dwelling. Fenestration detailing to the ground floor front elevation would be retained as two garage doors and to the first floor, one regular window is proposed. To the rear, at ground floor glazed doors would be installed and to the first floor a Juliet Balcony. To the rear of the extension's roof, a velux window would be included.

As part of the development, the existing garage would be converted internally to create a storage / wash room and snug. The extension at first floor level would be a bedroom and ensuite.

To the principal elevation of the host dwelling, the existing mock Tudor details are to be removed to the forward projecting two-storey gable element.

History of Negotiations.

No negotiations took place, and no amended plans were sought or submitted.

Relevant Planning History.

No relevant planning history at the application site.

To neighbouring properties:

- 2020/92939 – 10 Bradfield Close – Demolition of existing conservatory and erection of two storey side extension. *Granted Conditional Full Permission.*
- 2016/94006 – 4 Bradfield Close – Erection of ground floor rear extensions, first floor extension and front porch. *Granted Conditional Full Permission.*

Representations.

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters which expired on 8th August 2024.

In response to publicity, one objection was received. The objection set out the following concerns:

- Application, Section 13, questions re biodiversity have all been answered negatively. This disregards that bats are regular visitors to the front and rear gardens of the property.

Consultation Responses.

No consultations were deemed necessary.

Policy/Legislation.

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 application site is located within the River Colne Corridor and within an area with a known presence of bats.

To the front of the site is a tree protected under a Tree Preservation Order (03/89/59) and to the rear of the site is Tree Preservation Order area.

The application site is within an area identified by the Coal Authority as being at high risk of ground movement as a result of former mining activity.

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development

- LP2 – Place Shaping
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design
- LP30 – Biodiversity & Geodiversity
- LP31 – Strategic Green Infrastructure Network
- LP33 – Trees
- LP51 – Protection and Improvement of Local Air Quality

Supplementary Planning Documents:

Highways Design Guide SPD (2019)

House Extensions and Alterations SPD:

The Kirklees House Extension and Alterations SPD, adopted on 29 June 2021, has been prepared to help householders, developers, agents and architects who are planning and designing an extension or alterations (householder development) to an existing residential property, including conservatories and outbuildings, such as garages. It provides detailed guidance regarding the standard of development that will help achieve a well-designed house extension or alteration required by the Council.

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, Parliamentary Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Assessment.

The following matters that will be considered as part of the assessment of the proposal are set below. These considerations will be looked at in detail individually:

- 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) Conclusion

1) Principle of Development

Chapter 2 of the NPPF states that: *“Planning policies and decisions should play an active role in guiding development towards sustainable solutions...”*
Chapter 2 of the NPPF goes on to further state that objectives should: *“support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment...”*
In line with the NPPF, Policy LP1 of the Kirklees Local Plan (KLP) declares that: *“...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.”*

Policy LP1 goes further and states: *“The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”*

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that *“good design should be at the core of all proposals in the district”*.

In this instance, it can be stated that the principle of development in this application could be acceptable, subject to the assessment of impacts on visual and residential amenity, as well as highway safety and any other impacts that may arise. These will be discussed below.

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, while 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 development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

- *'a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...'*
- *'c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...'*

Key Design Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality.

- Key Design Principle 1 – Local character and street scene - *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.*
- Key Design Principle 2 – Impact on the original house - *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 detail.*

Section 5.3 of the House Extensions and Alterations SPD sets out design guidance on side extensions, with paragraphs 5.21 and 5.22 specifically relating to first floor side extensions, setting out the following recommendations:

- ideally be visually smaller in relation to the original house;
- be set back at least 500mm from the front of the original house to provide a vertical break from the roof plane and for the lowering of the ridgeline from the original house;
- have a roof design that follows the form of the existing roof; and
- retain a gap of at least 1 metre to boundary walls to avoid a terracing effect and to retain rear access to gardens.

It is considered that the proposed first floor extension would be of an appropriate design in the context of the host dwelling and the design of neighbouring properties. The external materials proposed for the first-floor extension would be in keeping with the design of the host property and the dimensions proposed would follow the established footprint of the existing single storey double garage. Given the dimensions of the proposed first floor extension, it would retain appropriate separation from the closest boundary, retaining an appropriate sense of openness and avoid a terracing effect.

Whilst the ridge height of the extension would align with the ridge height of the dwelling, with no set down, and the principal elevation of the extension sits flush with the front elevation of the host dwelling, in the context of the site, this is considered to be acceptable. This is particularly due to the design of neighbouring property, No. 6 Bradfield Close which directly neighbours the site and has a first floor above a double garage, which is flush with the front elevation of the dwelling and aligns with the ridge height of the host roof.

For the reasons set out above, it is concluded that the proposed development would comply with the policies within Chapter 12 of the NPPF, Policies LP1, LP2 and LP24 of the Kirklees Local Plan and Key Design Principles 1 and 2 of the House Extensions and Alterations SPD.

2) Impact on Residential Amenity

Section B and C of LP24 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 users.

Key Design Principles 3, 4, 5 and 6 of the Council’s adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive/overbearing.

The proposal would see the retention of the same extent of garden amenity space. Therefore, the proposal is considered to appropriately comply with Design Principle 7 of the House Extensions and Alterations SPD.

No. 6 Bradfield Close neighbours the application site to the east. The proposed first floor extension would retain a minimum separation distance from the shared boundary with No. 8 Bradfield Close of approximately 1.5 metres and an even greater separation minimum distance of approximately 2 metres from the siting of the neighbouring dwellinghouse itself. The adjacent side elevation of No. 6 is solid with no glazing.

Whilst the extension would project beyond the adjacent rear elevation of No. 6, the extension would appropriately comply with the line of 45-degrees as set out within Key Design Principle 5 of the House Extensions and Alterations SPD.

No glazing is proposed in the side elevation facing towards No. 8 Bradfield Close.

For the reasons set out above, it is considered that the proposal would not result in undue impacts of overbearing, overshadowing or overlooking for the occupiers of No. 6 Bradfield Close.

It is considered that the proposed works would be a sufficient distance away from any other properties to prevent undue harm to residential amenity in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing affect.

The proposed development at 8 Bradfield Close is not considered to cause undue harm to the residential amenities of neighbouring properties. It is therefore considered that the proposed development complies with Chapter 12 of the NPPF, LP24 of the Kirklees Local Plan and Key Design Principles 3, 4, 5, 6 and 7 of the Council's adopted House Extensions and Alterations SPD.

3) 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 Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

Whilst the proposal would see the loss of the existing double garage as parking amenity space at the site, it is considered that the existing driveway, which is to remain as existing, would sufficiently accommodate appropriate levels of off-street parking. The property would become a 5-bedroom dwelling. Guidance sets out that 5-bedroomed dwellings should provide 3 off-street parking spaces. The driveway is considered to appropriate facilitate 3 on-site parking spaces.

The proposal is therefore concluded to be comply with Policies LP21 and LP22 of the Kirklees Local Plan, principle 15 of the House Extensions and Alterations SPD, Highways Design Guide SPD and policies within Chapter 9 of the NPPF.

4) Other Matters

Climate Change:

Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

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.

As part of this application, a Climate Change Statement was submitted, which set out various mitigation measures. Considering the small-scale of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs any further mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the NPPF and Policy LP51 of the Kirklees Local Plan.

Bats:

Chapter 15 of the National Planning Policy Framework is 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 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

The application site lies within the bat alert layer on the Council's GIS system.

The proposal would see works to the roof which has the potential for roosting bats to be present. Given the age / design of the property it is not considered necessary for a full assessment of the roof space to be undertaken in this case given the low likelihood for roosting bats to be present.

Notwithstanding this, as a cautionary measure, in the event of any grant of permission a note would be added to the decision notice, stating that if bats are found development shall cease and the advice of a licensed bat worked sought. This is to accord with the aims of Chapter 15 of the NPPF.

Strategic Green Infrastructure Network:

Policy LP31 of the Kirklees Local Plan identifies a number of areas which form part of the Strategic Green Infrastructure Network. This policy sets out that priority will be given to safeguarding and enhancing green infrastructure networks, green infrastructure assets and the range of functions they provide. This policy sets out that development should ensure the function and

connectivity of green infrastructure is retained / replaced, new or enhances green infrastructure is provided / integrated into new developments. In addition, this policy requires integration of developments into walking / cycling network and providing new links where appropriate and the protection of biodiversity / ecological links. Where the creation of new or enhanced green infrastructure is proposed, provided it does not conflict with other policies within the Kirklees Local Plan policy LP31 sets out that the Council will support such development.

The application form confirms that this proposal would not result in the removal of any existing trees or hedgerows at the site. Therefore, the proposal is not considered to have a significant impact upon the strategic infrastructure network and is concluded to be acceptable in this regard.

Trees:

The submitted application form for this application sets out that the proposal would not see the removal of any existing trees at the site and, given that permission is sought for a first floor extension, it is not considered that ground works would be involved which would detriment the protected tree to the front of the site or the trees within the tree preservation order area to the rear of the site.

In turn, it is considered that the proposal would accord with Policy LP33 of the Kirklees Local Plan.

Coal:

The application site is within an area identified by the Coal Authority as being at high risk of ground movement as a result of former mining activity.

Given that the proposal seeks permission for a first-floor extension, it is not considered that groundworks would be involved which would pose significant detriment to the safe occupation of the site. However, upon any grant of approval, a condition will be imposed relating to unexpected contamination or the presence of coal.

Subject to the inclusion of this condition, the proposal is considered to be acceptable in this regard.

5) Representations

In response to publicity, one objection was received. The objection is set out below, accompanied with an officer response.

- Application, Section 13, questions re biodiversity have all been answered negatively. This disregards that bats are regular visitors to the front and rear gardens of the property.

Officer Response: The impacts of the proposals to bats has been assessed within assessment section 5 of this report, sub-section 'Bats'. It was concluded within this section of the report that, whilst the proposal would see works to the roof, given the age / design of the property, it is not considered necessary for a full assessment of the roof space to be undertaken in this case, given the low likelihood for roosting bats to be present. Even so, as a cautionary measure, in the event of any grant of permission a note will be added to the decision notice, stating that if bats are found development shall cease and the advice of a licensed bat worked sought. This is to accord with the aims of Chapter 15 of the NPPF.

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

Recommendation: Approval

Decision Authorisation: Delegated Powers

Application Number: 2024/91731

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.

1. The development hereby permitted shall be carried out in complete accordance with the plans and specifications 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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24, LP30, LP31, LP33 and LP51 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8 & 15 of the Council's adopted House Extensions and Alterations SPD and policies within Chapters 2, 4, 12, 14 & 15 of the National Planning Policy Framework.

2. The exterior walls of the extension hereby approved shall be faced in brick and render to match the materials which face the host property. The roof above the extension shall be infilled with tiles, to match the tiles which infill the host roof. These materials shall thereafter be retained.

Reason: In the interests of visual amenity and to accord with Policies LP2 & LP24 of the Kirklees Local Plan, Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD and policies within Chapter 12 of the National Planning Policy Framework.

3. In the event that contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person 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 Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 186, 190 and 195 and policies within Chapter 15 of the National Planning Policy Framework.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. Reports must be prepared in accordance with the following guidance:

- *Land Contamination Risk Management (LCRM)*
- *BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice*
- *Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020* by the Yorkshire and Lincolnshire Pollution Advisory Group.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and Specifications Schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	PP-13165262v1	-	19.06.24
Plans & Elevations – As Existing	A(00)-01	-	19.06.24
Plans & Elevations – As Proposed	A(10)-01	-	19.06.24
Climate Change Statement	-	-	19.06.24

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.

No negotiations took place, and no amended plans were sought or submitted.

Report Dated:

09.08.24