

**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:	2024/62/91834/W
Site Address:	382, Bradley Road, Bradley, Huddersfield, HD2 1PU
Description:	Demolition of existing dwelling and erection of detached dwelling
Recommending Officer:	Katie Chew

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: 29-NOV-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 application site is not located within a Conservation Area and there are no Listed Buildings within the immediate vicinity of the site.

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, 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, W.C, lounge, snug, open plan kitchen and dining area and utility. 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.

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

History of negotiations/amendments received

Amendments have been sought due to concerns over the accuracy of plans submitted. Officers also raised concerns in regard to visual and residential amenity issues and therefore requested alterations be made to the layout/design of the proposed dwelling.

Relevant Planning History

2023/93544 – Demolition of existing dwelling and erection of detached dwelling. Refused 19th January 2024. This application was refused as:

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.*

2022/93919 – Demolition of existing dwelling and erection of detached dwelling. withdrawn 6th March 2023.

Pre-application Advice

2023/21042 – Proposed demolition of dwelling and construction of replacement dwelling. Comments made 29th 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:

1st round of consultation - Neighbour Letters – Expired 13th August 2024

4 objections have been received (although it is noted that 2 of the objections are from one neighbour); comments are summarised below.

- There is a very minute difference between this and the previous application (2023/93544) and does not address previous objections and case Officers refusal points.

Officer note: Noted. The changes proposed are discussed throughout this report.

- The proposed dwelling by virtue of its scale, size, height, design, form and shape would not relate to adjacent properties, open space adjacent to the buildings and is not sympathetic to the character and form.

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

- The proposed development by its size, number of occupants, and vehicles would raise the noise levels far above the current acceptable level to the detriment of neighbours.

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

- By reason of the proposed dwellings height, scale, massing, the position of the proposed development within the application site, and close proximity to the boundary, it would have a significant overbearing, oppressive impact on neighboring residential properties.

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

- There are no economic, social or environmental reasons for this application to be approved.

Officer note: Noted. This is discussed in more detail within the principle of development section of this report.

- Concerns about the accuracy of submitted plans.

Officer note: Noted. Officers requested amended plans which include correct scaling.

- Concerns in respect of loss of outlook and light from neighbouring properties.

Officer note: Noted. Issues surrounding the loss of light and outlook to neighbouring properties are discussed in more detail within the residential amenity section of this report.

- Concerns in respect of overlooking and the loss of privacy of neighbouring properties.

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

- The proposed development would replace the existing dwelling at no.382 with a much taller and larger property which would have a significant increase in height, width, and depth, therefore significantly diminishing the open vista and distance to shared boundaries.

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

- It is disappointing that within the supporting evidence it states that the house arrangement does not work for the family's needs. The family who are applying have never lived in the house and if this was the case, then why not buy a house that did suit their needs instead of one that needed demolishing only to be replaced with one that clearly doesn't fit on the plot size.

Officer note: Noted.

- I also appreciate there has been a revision to last year's application but going from a gigantic house to a massive house doesn't then make this application suitable.

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

- Wish for it to be put on record that the case officer has only visited this site once back in 2022 and met with the Architect and property owner to advise them on the requirements prior to the initial application being withdrawn.

Officer note: Noted.

- No objections to any redevelopment that would be of the same height of the current house.

Officer note: Noted.

- What is the assurance that there will be a maximum of 3 cars at the site, the proposed build is 5 bed (with option of 8 beds), this would mean that there will be more than 3 cars and there is insufficient space to accommodate them, resulting in on-street parking to the detriment of neighbours amenity.

Officer note: Noted. As outlined within the Council's Highways Design Guide SPD 4+ bedroom houses need to provide a minimum of 3 off-street parking spaces to be deemed to be acceptable. The proposed scheme does this, and the Council's Highways team raise no objections.

- The proposed scheme would result in a bulky, overcrowded development on site which would clearly be noticeable to the detriment of the character of the local area.

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

- The applicant has stated within the submitted Design & Access statement that consideration should also be made to the garage which will be demolished. The existing garage of no. 382 is set out of the way and is not intrusive as opposed to the proposed towering and overbearing building.

Officer note: Noted.

- The submitted Design & Access Statement provides images of neighbouring houses with out-buildings or extensions. All of these are single storey buildings or extensions and are not in proximity of any habitable rooms and are not intrusive.

Officer note: Noted.

- Whilst it is noted that the rear first floor element has now been set back, this still projects out beyond the rear elevations on either side and the proposal has not presented a reduction of the rear extension at ground floor level but rather removed a corner adjacent to 378.

Officer note: Noted. Following receipt of amended plans the ground floor protrusion now extends out by 3m as previously requested by Officers, and the first-floor element of the scheme is set in line with the rear elevation of the existing bungalow, again as requested by Officers. This is discussed in more detail within the visual amenity section of this report.

- Reference to the different houses in the area within the submitted Design & Access Statement are over a wide distance spread on Bradley Road over a vast period of time so there is naturally going to be a variety, with planning regulations improving there is now more protection for neighbouring houses and especially around loss of light.

Officer note: Noted.

2nd Round of consultation – Neighbour Notification Letters Expired – 23rd October 2024

4 objections have been received (of the 4 objections, these are from 2 neighbours); comments are summarised below.

- Sunlight/natural light/outlook will be reduced at neighbouring properties.

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

- The dwelling will appear overbearing on neighbouring properties and result in overshadowing.

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

- One previous planning application for a similar development was refused in 2023 following a withdrawal in 2022. The previous reasons for refusal (1& 3) have not been addressed within the current application and therefore should be refused.

Officer note: Noted. This report outlines the assessment undertaken by Officers in respect of this amended scheme and why Officers deem the proposals submitted to be sufficient to overcome previous concerns.

- 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.

- 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. The Council's Highways Officers have been consulted on the proposals, their comments can be found under the consultation responses and highway safety sections of this report.

- Concern in regard to the wellbeing and stress on neighbours.

Officer note: Noted. However, this is not a material planning consideration.

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

Officer note: Noted. Amended plans have been received which seek to overcome these concerns. Further to this, in the event that planning permission is approved, a standard condition would be attached to ensure the proposal is built in accordance with the plans. Should the site not be

developed in accordance with the plans, the applicant would be in breach of any planning permission and may be subject to enforcement action.

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

Officer note: Noted.

- Concerns in respect of noise pollution.

Officer note: Noted. However, given the scale and nature of the proposals for one replacement 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, in the event that planning permission was approved an informative is recommended to be attached in respect of hours of construction to restrict noisy construction activities at certain times, and on certain days in the interests of residential amenity.

- The new (amended) application is merely a few very slight changes that hopes to appease the planning department in order to pass an almost identical plan from the previous year.

Officer note: Noted. Proposed alterations are discussed in more detail within the visual amenity section of this report.

- The proposals will provide a cramped development.

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

- The size, design and appearance of the dwelling is out of character with the area.

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

- The application should be heard at planning committee.

Officer note: Noted. A referral was made by Councillor Amin for the application to be determined by the District-Wide Planning Committee. However, the Chair of THE District-Wide Planning Committee deemed it reasonable to consider this application under delegated powers. This is discussed in more detail within the ward members section of this report.

- Officers have been working hand in hand to tweak the design in order to pass the application.

Officer note: Noted. However, it is a standard approach for a planning officer to liaise with an applicant / planning agent where amendments are considered

applicable. Paragraph 38 of the National Planning Policy Framework requires the LPA to '*work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area where it is applicable to do so*'. Whilst it is preferable for the relevant information to be present at the time of registration and publicising an application, matters can arise during the processing of an application which are required to be further addressed by the applicant, and this is considered to be an established and reasonable approach.

- Within the Design and Access Statement there is reference made to different houses in the area, these photos are over wide distances spread on Bradley Road over a vast period of time so there is naturally a variety, with planning regulations improving there is now more protection for neighbouring houses.

Officer note: Noted.

- Within the Design and Access Statement there are some images of neighbouring houses with out-buildings or extension. These are all single storey buildings/extensions.

Officer note: Noted.

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

Officer note: Noted.

- There are no economic, social or environmental reasons for this application to be approved.

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.

- It is naïve to think that a colossal house will only have 3 cars outside. The swept path sketch does not demonstrate that the application site can be accessed effectively and safely by all users.

Officer note: Noted. The Council's Highways team have been consulted on the proposals, their comments can be found under the consultation responses and highway safety sections of this report.

- If approved this would lead to on street parking and parking on the grass verge outside, impeding neighbours sight line onto Bradley Road

(a very busy 40mph speed limit road) making it far more difficult and dangerous for neighbours to enter Bradley Road to the detriment of neighbour's amenity.

Officer note: Noted. The Council's Highways team have been consulted on the proposals, their comments can be found under the consultation responses and highway safety sections of this report.

- What guarantees do we have that any development will properly correspond to submitted plans and what procedures are in place to monitor and check if the applicant confirms to any approved plans.

Officer note: Noted. In the event that planning permission is approved, a standard condition would be attached to ensure the proposal is built in accordance with the plans. Should the site not be developed in accordance with the plans, the applicant would be in breach of any planning permission and may be subject to enforcement action. Individual monitoring is not undertaken by the Council but should concerns be raised through our planning enforcement team, they will seek to investigate the issue.

- The case officer has only visited this site once back in 2022 and has not viewed the site from adjacent neighbouring properties.

Officer note: Noted. No changes have been made to the site since the visit in 2022 and therefore this is considered to be reasonable. In addition, Officers considered this visit to be sufficient to undertake an assessment on the impact on the residential amenity of adjacent properties, and it was not considered necessary to view the site from adjacent land on this occasion.

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

KC Highways (informal) – No objections.

Parish/Town Council

N/A.

Local Ward Members

Councillor (Cllr) Amin – Councillor Amin contacted Officers for some background in relation to the progress with the application and any issues that still need addressing. Cllr Amin requested that Officers defer determining the application until such time that all review information was reviewed.

Councillor Amin responded via email on the 18th October 2024 to request that the application be referred to the District-Wide Planning Committee on the basis of concerns that the dwelling would result in an overbearing effect on neighbouring properties, and that these neighbours should be given an opportunity to raise their concerns to members.

Officer note: Councillor Amin's request for referral of the application to planning committee has been discussed with the Chair of District-Wide Planning Committee, Councillor Ullah. Cllr Ullah reviewed Officers assessment and agreed with Officers conclusions in respect of any impact on neighbouring amenity, specifically in relation to the proposals having an overbearing impact. It was therefore concluded that the application be determined by officers, under delegated powers, as per the Council Constitution Scheme of Delegation.

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 27th 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 and Buildings**
- **LP11 – Housing Mix and Affordable Housing**
- **LP21 – Highways and Access**
- **LP22 – Parking**
- **LP24 – Design**
- **LP51 – Protection and Improvement of Environmental Quality**
- **LP52 – Protection and Improvement of Environmental Quality**

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 20th December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. 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 and beautiful places
- Chapter 14 – Meeting the challenge of Climate Change, Coastal Change and Flooding
- Chapter 15 – Conserving and enhancing the natural environment

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)

Legislation:

- The Town and 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) Scale, design and visual impact of the proposed development
- 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 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 28th Feb 2024 (when the Local Plan is more than 5 years old). This means that until 28th 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 28th 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 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 sit on the existing footprint to an extent, facing out towards Bradley Road. The proposals are therefore considered to accord with Principle 5 of the above SPD.

Officers do note that the replacement dwelling will follow the existing principal elevation of the bungalow and to the rear the two-storey element of the dwelling will also be in line with the rear elevation of the existing bungalow. However, it is acknowledged that a single storey protrusion is proposed to the rear which will extend out by around 3m, this element of the scheme has been discussed during pre-application stage and within the previous planning applications. Impacts on residential amenity to adjacent neighbouring properties is discussed in more detail further into the report, but in terms of its visual appearance, Officers consider it to be acceptable in scale, size and design, and that it would not appear alien within this location.

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 proposed dwelling is to have an asymmetrical pitched roof with a single storey lean to element to the rear. This amended design is considered to assist to reduce the overall bulk and massing of the property to

the adjacent bungalow no. 378 Bradley Road, 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 reviewing 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.

Moving on to windows and doors, these are considered to be simple and traditional in design and equally spaced within the dwelling. Officers consider the windows and doors to be sympathetic and reflective of the surrounding area and therefore the proposals are deemed to accord with Principle 14 of the above SPD.

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. 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 recommend 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 adaptations 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. In this instance a 2m separation distance can be provided to all shared boundaries therefore the proposals are considered to accord with the requirements of Principle 6 of the above SPD.

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.

Whilst taking the above into account, it is also important to consider previous planning history at the site. When reviewing the previously refused scheme (app ref: 2023/93544) in comparison to that proposed, in this instance, it is considered that the revisions made do take into consideration concerns raised by Officers previously. The previous application was refused on 4 grounds, these included lack of information in respect of how the site can be accessed effectively and safely by all users. This reason has now been overcome due to the submission of a swept path analysis (discussed later in the report). Reasons 3 related to residential amenity grounds, in particular, the dwelling's scale, location, massing and orientation having an overbearing impact on a kitchen window within no. 384 Bradley Road.

A further reason for refusal related to the dwellings siting, scale, massing, orientation and close proximity to neighbouring land having an overbearing and oppressive impact on the amenity and outlook of no. 378 Bradley Road. The amended submitted plans now seek to reduce the overall size of the dwelling by reducing both the two-storey and single-storey rear elements to be in line with the rear elevation of the existing bungalow, with a 3m single storey lean-to 'extension'. The overall width of the dwelling has also been reduced to ensure a 2m separation distance is provided to the shared boundary. These amendments are considered to be sufficient to overcome Officer's previous concerns. Finally, the above amendments which include reductions to the overall scale and size of the property and provision of 2m separation distances to all shared boundaries has ensured that the dwelling does not appear cramped and contrived and now is considered to sympathetically integrate into the streetscene.

In conclusion, and subject to conditions, the proposed dwelling is considered to be of an acceptable size, scale and design in this location, and that it would not appear out of character or overly dominant within the general context of this site. On this basis, the proposals are deemed to accord with the requirements of Policies LP1, LP2, LP11 and LP24(a) of the Kirklees Local

Plan, Principles 2, 5, 6 13, 14 and 15 of the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

3 – 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 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.

The text supporting Principle 6 of the Kirklees Housebuilder Design Guide SPD states set out recommended minimum separation distances for two storey properties, these being:

- 21 metres between facing windows of habitable room;
- 12 metres between windows of habitable rooms that face onto windows of a non-habitable room; or 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land; and
- for a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metres distance from the side wall of the new dwelling to a shared boundary.

Paragraph 191 of the NPPF, contained within Chapter 15, sets out that proposals should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development. Policy LP52 of the Kirklees Local Plan seeks to ensure that amongst other things, the impact from noise for new development is acceptable.

Policy LP52 is considered to be of relevance and sets out that development which has the potential to increase pollution from noise must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure that it does not reduce the quality of life and well-being of people to an unacceptable level.

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 3.35m 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. As such, it would be considered unreasonable to recommend refusal based on the above reasons.

In terms of the proposals appearing overbearing in nature, it is acknowledged that no. 378 is a bungalow. Following receipt of amended plans, which have reduced the overall scale and size of the proposed dwelling, the proposed two-storey element of the dwelling will not extend out further than the rear elevation of no. 378. Further to this, as a minimum 2m separation distance will be provided to all shared boundaries, Officers consider that the replacement dwelling would not appear overly dominant and has been designed with an asymmetrical pitched roof to limit the amount of bulk and massing towards this neighbouring property.

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 significant 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 4.8m 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, in the event that planning permission be approved, they could be conditioned to be obscurely glazed. 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, the above housebuilders SPD only provides advice on direct overlooking in relation to habitable room windows. No. 384 is located in a residential and built-up area whereby views across rear amenity spaces do already exist (from no. 386) and relationships such as this are not uncommon in these locations. Officers therefore conclude that 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 on this basis.

From reviewing previous planning history at no. 384, it appears that a window located within the eastern elevation relates to a shared kitchen/dining room and is the only window used to provide light into this area. Whilst Officers previously raised concerns about the proposed separation distances from the dwelling to this neighbouring window, following receipt of amended plans which provide separation distances to the shared boundary of 2m, resulting in an increased separation from 3m to 4.8m. A constraints plan has also been submitted which evidences a 45-degree angle which will allow for adequate daylight to this window. These amendments are considered to overcome Officers previous concerns.

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 concerns have been raised by third parties in respect of noise pollution arising from the proposed increased development at the site. As the site is currently operating as a single residential dwelling, it is not considered that the replacement dwelling, whilst larger in scale and size,

would result in a significant increase in noise pollution at the site. However, should planning permission be granted, an informative is recommended to be attached which restricts noisy construction activities to certain times.

In conclusion, taking the above into consideration and subject to conditions, the proposals are not considered to result in significant or detrimental impacts on the privacy and amenity of any neighbouring occupants, complying with Policies LP24 and LP52 of the Kirklees Local Plan, Chapters 12 and 15 of the National Planning Policy Framework and Principles 6, 16 and 17 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 bedroomed bungalow and replace it with a 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.

Highway Officers have been consulted informally on the application, due to the submission of a swept path analysis. They raise no objections as there is sufficient off-street and accessible parking provided.

In respect of Principle 19 of the above SPD, bin storage is shown to the front of the dwelling and is deemed to be acceptable. Whilst no collection details have been provided it is considered reasonable to assume that these will remain as existing should planning permission be granted.

It is therefore concluded that the scheme would not represent any additional harm in terms of highway safety and as such complies with the Local Plan Policies LP21 and LP22, Principles 12 and 19 of the Housebuilders Design Guide SPD and Chapter 9 of the National Planning Policy Framework.

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 are relevant and seek to ensure land quality is maintained as part of new development are considered to be 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.

Permitted Development Rights

Given, the size of the dwelling on the plot, its relationship with surrounding residential properties and the discussions had with the applicant's agent over the course of this application and previous similar applications at the site, it is considered necessary and reasonable to remove permitted development rights for extensions, outbuildings and alterations to the roof (dormer windows) within the property to avoid any future loss of residential amenity and to ensure the site does not result in overdevelopment or detract from the character and appearance of the streetscene. This would be in accordance with Policies LP1, LP2, LP11 and LP24 of the Local Plan, Chapter 12 of the National Planning Policy Framework and Principles 2, 6, and 15 of the Housebuilders Design Guide SPD.

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.

It is also noted that within the submitted application forms, the applicant states that the proposals would be exempt from Biodiversity Net Gain (BNG) conditions as the development relates to a replacement dwelling and that the new dwelling is to be self-build. In terms of the de minimis exemption, the scheme largely relates to the redevelopment of existing hard surfaced/existing buildings. It is not considered that 25sqm of habitat would be lost across the site.

Taking the above into consideration, Officers consider the proposals to be exempt from BNG, and therefore the proposals do not need to provide details in respect of a biodiversity metric.

Climate Change

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.

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 applicant has submitted a Climate Change Statement, this Statement outlines that local contractors will be employed and that locally sourced materials will be used where possible. It also notes that where possible materials from the existing house, which is to be demolished will be reused, although the materials of the existing house are deemed to be of poor quality. Smart meters, efficient white goods appliances and controlled heating systems are to be installed within the new dwelling with the fabric of the new house being insulated to meet building regs. All external elements such as windows and doors are to be new and have a high energy performance specification.

Taking the above into consideration, the proposed development is considered to comply with LP51 of the Kirklees Local Plan, Principles 8, 9 and 11 of the House Extensions and Alterations SPD and Chapter 14 of the NPPF.

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 therefore considered that the proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approve with conditions.

Decision Authorisation: Delegated Decision

Application Number: 2024/91834

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 specification 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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP3, LP7, LP11, LP21, LP22, LP24, LP51 and LP52 of the Kirklees Local Plan, Chapters 2, 4, 5, 9, 11, 12, 14 and 15 of the National Planning Policy Framework and Principles 2, 5, 6, 9, 12, 13, 14, 15, 16, 17, 18 and 19 of the Housebuilders Design Guide SPD.

2. No development above foundation level shall take place until samples of the proposed external walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority.

The development shall thereafter be undertaken in accordance with the details so approved.

Reason: To ensure the satisfactory appearance of the development on completion in the interests of visual amenity, to accord with Policy LP24 of the Kirklees Local Plan, Principles 2 and 13 of the Housebuilders Design Guide SPD, as well as Chapter 12 of the National Planning Policy Framework.

3. Notwithstanding the provision of the Town and Country Planning (General Permitted Development)(England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A, AA, B, D or E of Part 1 of Schedule 2 to that Order shall be carried out within the site outlined in red on hereby approved Existing Plans, Elevations & Location Plan drawing no. 0022-100-RG Rev P01, received 1st July 2024 without the prior written consent of the Local Planning Authority.

Reason: To avoid any future detrimental impacts arising on both residential and visual amenity. This would be in accordance with Policies LP1, LP2, LP11 and LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and Principles 2, 6 and 15 of the Housebuilders Design Guide SPD.

4. Notwithstanding the submitted plans, windows to serve the dining, lounge and family bathroom on the western elevation and the W.C on the eastern elevation, shall be fitted with obscure glazing minimum Grade 4. Notwithstanding the provisions of Section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), the windows shall thereafter be so retained obscurely glazed.

Reason: To protect the amenity of neighbouring properties, in accordance with Policy LP24 of the Kirklees Local Plan, Principle 6 of the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

5. 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 groundworks 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. Groundworks 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 Validation 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 Validation 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. 189 and 190 of the National Planning Policy Framework.

NOTE: No construction related noise should be audible beyond the site boundary outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours Saturdays

With no construction related noise audible beyond the site boundary on Sundays or Bank/Public Holidays.

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

Plans and Specifications Schedule:

Plan Type	Reference	Web ID	Date Received
Existing Plans, Elevations & Location Plan	0022-100-RG	P01	1 st July 2024
Block Plan	0022-250-RG	P04	6 th October 2024
Proposed Plans & Elevations	0022-200-RG	P04	6 th October 2024
Constraints Plan	0022-260-RG	P02	6 th October 2024
Swept Path Analysis using a 4.845m Estate Car	3129-001_BOUND	Rev 2	8 th October 2024
Design & Access Statement – Supporting	-	-	6 th October 2024

Information			
Climate Change Statement – Supporting Information	-	-	1 st July 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 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. Amendments have been sought due to concerns over the accuracy of plans submitted. Officers also raised concerns in regard to visual and residential amenity issues and therefore requested alterations be made to the layout/design of the proposed dwelling.

Report Dated:

26th November 2024.