

**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:	2024/62/91927/E
Site Address:	Grange Nurseries, North View Road, East Bierley, BD4 6NS
Description:	Erection of extensions and front and rear dormers, alterations to dwelling and formation of private access road
Recommending Officer:	Elenya Jackson

DECISION – REFUSED

I hereby authorise the refusal of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

John Holmes

AUTHORISED OFFICER

Date: 23rd January 2025

OFFICER REPORT

Site Description

The site is currently occupied by a single storey building which adjoins a two storey terrace row to the North. The host dwelling is set back from New North Road by a low level dry stone wall.

South of the dwellinghouses is a large expanse of vacant greenhouses which are in various states of disrepair.

The street scene is largely residential with properties of varying scale and design comprising the street scene.

The site is within a low risk coal area.

Description of Proposal

The application has been received for alterations and extensions to the main host building on site and the creation of an access road which would be from the rear of the site, extend south east and create an access onto Bradford Road.

The proposal would have an extension to the western elevation of the property. This is in the same location as the existing a-symmetric projection on the dwelling. The proposal would feature a pitched roof, extend 2.3m beyond the side elevation of the dwelling and have a depth of 7.6m. The extension would have a maximum height of 5.7m.

The extension on the northern elevation of the property would replace an existing projection. This would be set down from the street scene due to a change in ground levels. The extension would project 2.3m beyond the principle elevation of the dwelling and have a width of 4m. The proposals maximum height would be 4.6m.

An extension on the southern elevation which would create a balcony looking towards the rear/east of the plot. This would extend 4m beyond the rear elevation of the dwelling and have a width of 7.3m. This would have a flat roof as it would create a balcony with a maximum height of 4.7m.

In addition, the proposal includes a first floor rear extension which would extend from the roof plane of the host dwelling and over part of the single storey rear extension. This would extend a maximum of 6.3m and have a width of 7.3m. The maximum height of this projection would be 2.6m and it would not extend above the ridge of the host dwelling.

Finally, the proposal features two rear facing dormers which would be located either side of the large first floor extension. The width of these would be 1.5m.

Relevant Planning History

None

Representations

The application was advertised by neighbour letters, which expired on 13/01/2025

One representations has been received which raises the following concerns:

- Traffic concerns
- Visibility splay
- Future development
- Object to use of the access route of which 3rd party permission would be required
- Potential burden of this and future development(s) using the access road proposed
- Intensification of the access is below standard for a safe access.

Consultation Responses

KC Highways: Objection

PROW: Objection as the public right of way is not for vehicular access.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is unallocated on the Kirklees Local Plan.

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When

determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21**- Highway safety
- **LP 22** – Parking
- **LP 23**- Core walking and cycling network
- **LP 24** - Design
- **LP 28**- Drainage
- **LP 32**-Landscaping
- **LP 51**- Protection and improvement of local air quality
- **LP 52**- Contaminated and unstable land

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 2024, and the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving Sustainable Development
- Chapter 4 – Decision-Making
- Chapter 8 – Promoting Health and Safe Communities
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land
- Chapter 14 – Meeting the challenge of climate, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) Negotiations
- 8) Conditions
- 9) Conclusion

1 – Principle of development

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with the House Extension SPD and Chapter 12 of the NPPF, regarding design.

In this case, the principle of the element of the development relating to works to the dwelling is considered acceptable,

Urban Green Space

Development proposals which would result in the loss of urban green space (as identified on the Policies Map) will only be permitted where:

- a. an assessment shows the open space is clearly no longer required to meet local needs for open space, sport or recreational facilities and does not make an important contribution in terms of visual amenity, landscape or biodiversity value; or
- b. replacement open space, sport or recreation facilities which are equivalent or better in size and quality are provided elsewhere within an easily accessible location for existing and potential new users; or
- c. the proposal is for an alternative open space, sport or recreation use that is needed to help address identified deficiencies and clearly outweighs the loss of the existing green space. The protection set out in this policy also applies to smaller valuable green spaces not identified on the Policies Map.

Paragraph 104 of the NPPF sets out the approach to assessing development which is proposed upon existing open space, and sets out the same criteria as outlined within LP61.

The proposal would result in the small scale loss of urban green space through the introduction of urbanising features (surfacing) to the existing urban green space and would see vehicular movements over the land. It is considered this would lead to a further loss in terms of the appearance of the Urban Green Space whereby the land would have appearance as not being free from development and being land not accessible for use by the public.

It is considered that in the absence of any clear and convincing reasons which outweigh non compliance with LP61, and also paragraph 104 of the NPPF the proposed development would see the loss of urban green space which would

conflict with the requirements of policy LP61 of the Kirklees Local Plan and paragraph 104 of the National Planning Policy Framework.

2- Impact on Visual Amenity

Key Design Principle 1 of the House Extension & Alteration supplementary planning document (SPD) states that extensions and alterations to residential properties should be in keeping with the appearance, scale, design and local character of the area and the street scene. Furthermore, Key Design Principle 2 of the HESPD goes on to state that extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and details.

The proposal would be visible from the street scene as it incorporates an extension to the front of the dwelling. Section 5.2 of the Kirklees house extensions and alterations guide states that front extensions are highly prominent within the street scene and would only be acceptable if:

- The house is set back from the pavement
- The extension is small and subservient.
- The materials and design match the existing dwelling.
- The proposal would not affect neighbouring properties.

Officers consider that the extension to the northern elevation of the property would replace an existing projection and would better integrate with the host dwelling. The proposal would largely be in the same location as the existing extension and therefore would have an acceptable impact on the host dwelling.

Section 5.3 of the HEASPD states that side extensions should:

- not extend more than two thirds of the width of the original house.
- not exceed a height of 4 metres.
- be set back at least 500mm from the original building line to allow for a visual break.

Officers consider that the proposal would be an acceptable scale to not dominate the host dwelling. Although the proposal would have a maximum height of larger than 4m, it is considered that this is not significantly dissimilar to the existing structures on site.

With regards to the rear alterations to the dwelling, the HEASPD refers to dormers in section 5.4, section 5.1 refers to rear extensions, section 5.5 refers to balconies and 5.7 refers to bungalows.

It is considered that whilst the rear extension would extend 4m beyond the rear elevation of the host dwelling this is considered acceptable in the case of detached dwellings. This would allow for a rear facing balcony. Officers

consider that a balcony in this location would be in a suitable location due to it not being near neighbouring dwellings and located at the rear of the dwelling.

The first-floor extension would be at the rear of the dwelling. It is considered that this would not increase the maximum height of the dwelling or its integration with the street scene as it would not be highly prominent from the public realm.

Having taken the above into account, the proposed extension and works to the dwelling are not considered to have a harmful impact with regard to visual amenity of either the host dwelling or the wider street scene. Subject to condition requiring the development to be undertaken with materials to match the host property, and the dormer cheeks to be of a dark grey colour finish it is considered the proposed development would comply with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extension would form an acceptable addition to the property in keeping with the existing building.

Local Plan Policy LP24(a) states that all proposals should promote good design by ensuring the following: *‘the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape’*.

Paragraph 135 of the NPPF sets out that Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁵¹; and where crime and disorder, and the fear of crime’*

From a visual perspective, the proposed alterations to the access of the site would result in cars exiting onto Bradford Road which is already characteristic of the area. However, the creation of the access would have a visual impact

insofar as it would see surfacing undertaken to facilitate the development, and appears to indicate an area of hardstanding to be created to facilitate vehicular parking.

This would see currently open land which is used for open space and recreation partially developed with a driveway which would be used in connection with a nearby property and have the appearance of being land which is not within the public domain. The visual impact would be at odds with that of the wider locality which is soft landscaping and would appear to be out of character with the visual amenities of the locality.

It is considered the visual impact of creating an access, over land used as open space for recreation purposes, would not be in keeping with the use of the land over which it would be taken and it is considered it would have a detrimental visual impact in this regard conflicting with policy LP24 of the Kirklees Local Plan and policies within Chapter 12 of the NPPF.

3 – Impact on residential amenity:

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

1 Moor Bank: adjoins the application property to the north-east.

Overlooking: The proposal would not feature any side facing windows

Overshadowing/loss of light: The extensions would not be located any closer to no.1 than existing and would not increase the height of the host dwelling. Therefore, no significant issues would arise regarding overshadowing/loss of light.

Overbearing: The extensions would not be any taller than the host building or any closer to the private amenity space of no.1. Therefore, no significant issues would arise regarding overbearing.

The creation of the access would be to the front of 938 Bradford Road, whilst the proposal would impact upon this property insofar as there would be additional vehicular movements to the front of no.938, it is considered the impact upon the amenity of occupiers of this property would not be significant.

No other properties would be in significant close proximity to the dwelling to be impacted by the proposal.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan, The Council's adopted Highway Design Guide and Chapter 9 of the NPPF relate to access and

highway safety and are considered to be relevant to the consideration of this application.

Policy LP23 of the Kirklees Local Plan relates to cycling / walking network and sets out that proposals that may prejudice the function, continuity or implementation of the core walking and cycling network will not be permitted. This policy further states that existing public rights of way that form part of the core walking and cycling network or elsewhere will be protected and enhanced.

KC Highways and KC PROW have been consulted on the application due to the site proposing a revised access using land which is currently a Public Right Of Way and exiting onto a classified Road.

KC PROW have objected to the application as the land which the public footpath is located upon is in the ownership of the council and registered as common land.

Public footpath 'Spenborough 8' is indicated to be the access to the development site and currently does not have vehicular access and the Council's Rights Of Way Team confirm they object to the creation of a vehicular access as it would cause a conflict between path users and vehicles.

Officers consider that the proposal would fail to accord with LP23 of the Kirklees Local Plan as the proposal would prejudice the function of a core walking and cycling network. The PROW is not currently utilised for vehicular access and no appropriate mitigation measures to ensure the protection of the PROW or users has been provided.

The proposal would make alterations to the site layout including parking provision and require a new access to facilitate the development, it is considered that the proposal fails to demonstrate that a suitable access could be achieved on site and the proposal would therefore fail to accord with LP21 of the Kirklees local plan.

This consideration is in light of the fact an existing access is in place to the northern boundary of the site, which allows for vehicle access directly to the adopted highway. This is afforded weight insofar as there is a reduced requirement for a need for the access which is proposed.

5– Other matters:

Carbon Budget

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. It is considered that due to the nature and scale of the proposal, no further information would be required regarding carbon budget.

Ecology

Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 179 of the NPPF outlines that decisions should promote the protection and recovery of priority species and identify and pursue opportunities for securing net gains for biodiversity. Paragraph 180 goes on to note that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Policy LP30 of the Kirklees Local Plan echoes the NPPF in respect of biodiversity and outlines that development proposals should minimise impacts on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist

There have been updates to [Schedule 7A of the Town and Country Planning Act 1990 \(inserted by the Environment Act 2021\)](#), which result in biodiversity net gain being a statutory requirement. Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021.

Details of the proposal's contribution have been provided and state that, post development, there would be a 12.6% habitat increase and no offsite contributions are required.

The submitted detail is considered to be relevant insofar as, were the proposed development to be approved, the BNG condition which is in law would be applicable.

6 – Representations:

ONE representations was received in response to the application:

- Traffic concerns
Officer response: The site would be used for one dwelling. KC Highways have been consulted and the application is to be recommended for refusal due to no suitable access being provided on site.

- Visibility splay
Officer response: KC Highways have been consulted on the application and due to the revised access being considered unacceptable for vehicular access, the application has been recommended for refusal.
- Future development
Officer response: Any future development would be subject to a planning application and therefore would not warrant a reason for refusal at this time.
- Object to use of the access route of which 3rd party permission would be required

Officer response: This relates to a separate civil matter in this case.

- Potential burden of this and future development(s) using the access road proposed

Officer response: The impact of the access as a result of future proposals would be the subject of further consideration of such proposals in the event of any approval in this case.

- Intensification of the access is below standard for a safe access.

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

7 – Negotiations:

N/A

8 – Proposed conditions

N/A

9 – Conclusion:

This application for the Erection of extensions and front and rear dormers, alterations to dwelling and formation of private access road at Grange Nurseries, North View Road, East Bierley, BD4 6NS has been assessed against relevant policies in the development plan as listed in the policy section of the report and the National Planning Policy Framework and other material considerations.

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. It is considered that the development would constitute sustainable development and is therefore recommended for refusal

Recommendation**REFUSE****Decision Authorisation - Delegated Powers****Application Number:** 2024/62/91927/E**Officer Recommendation:** REFUSE**Reasons:**

1. The development would see the loss of urban green space which would conflict with the requirements of policy LP61 of the Kirklees Local Plan and paragraph 104 of the National Planning Policy Framework.
2. The application would have an unacceptable impact on a public footpath (ref: SPE/8/60) and the subsequent amenity and enjoyment of users of this public right of way. The development would prejudice the function and continuity of the core walking and cycling network and fail to ensure the safe and efficient flow of pedestrian traffic. The proposal would therefore fail to accord with policies LP21 and LP23 of the Kirklees Local Plan.
3. The visual impact of creating an access, over land used as open space for recreation purposes, would be out of keeping with the use of the land over which it would be taken and have a harmful resultant visual impact conflicting with policy LP24 of the Kirklees Local Plan and policies within Chapter 12 of the NPPF.

Plans and specifications schedule: -

Plan Type	Reference	Date Received
Location Plan		28/11/2024
Existing and proposed block plan	D3	28/11/2024
Proposed first floor	D6	28/11/2024
Proposed Ground Floor	D5	28/11/2024
Proposed Block Plan	D1	28/11/2024
Proposed Elevations	D4	28/11/2024
Proposed scope of works	D2	28/11/2024
Proposed through section	D8	28/11/2024
Structural points	D9	28/11/2024
Climate change statement		28/11/2024
BNG Metric		28/11/2024
BNG Plan		28/11/2024

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a

pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. No amendments were requested in this instance.