

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:	2024/62/92152/E
Site Address:	489, Bradford Road, Birkenshaw, BD11 2DS
Description:	Erection of two storey front and single storey side extensions
Recommending Officer:	Elenya Jackson

DECISION – CONDITIONAL FULL PERMISSION

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

John Holmes

AUTHORISED OFFICER

Date: 23-Oct-2024

OFFICER REPORT

Site Description

489, Bradford Road, Birkenshaw, BD11 2DS is a two storey detached dwelling which benefits from a large amount of amenity space and a driveway located to the south of the dwelling. The host property has a large number of single storey structures in place to the western side of the building. The site is within a high risk coal area.

Description of Proposal

The application seeks permission for the erection of a two storey front and single storey side extension.

The two storey front extension would project 2m beyond the principal elevation of the dwelling and have a width of 3.3m. The proposal would have height of 6.7m and an eaves height of 5.9m.

The single storey side extension would replace the single storey extensions on site.

The proposed extension would follow the existing footprint of development.

The single storey extension would have a width of 11.9m and a depth of 5.5m. This would feature a flat roof with a maximum height of 3.2m.

These are proposed to be constructed out of stone.

Relevant Planning History

N/A

Representations

The application was publicised by neighbour notification letters, which expired on 14/10/2024. No representations have been received

Consultation Responses

None.

Negotiations

N/A

Policy

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

The site is UNALLOCATED on the Kirklees Local Plan Proposals Map.

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

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP 24** - Design
- **LP22**- Parking
- **LP33**- Trees
- **LP53**- Contaminated and unstable land

Kirklees Council adopted supplementary planning guidance on house extensions on 29th June 2021 which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene.

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, 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 12 – Achieving well-designed and beautiful places

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) 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 Extensions and Alterations SPD and Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

These issues along with other policy considerations will be addressed below.

2 –Impact on visual amenity:

It is considered that the House Extension and Alterations SPD (HEASPD) is relevant in this instance as the proposal would be an extension within a residential curtilage.

Key Design Principle 1 of the House Extension & Alterations 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 House Extension & Alterations SPD goes onto state that extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and details.

Section 5.2 of the HEASPD refers to front extensions and states:

- The house should be set back from the pavement or well screened
- The extension is small and subservient
- The materials and design match

- The proposal would not unreasonably affect the neighbouring properties

Officers consider that the orientation of the dwelling would result in the proposal being well screened from the public realm which would aid its integration. The proposal would not cover the full width of the dwelling which would prevent it from appearing incongruous to the host dwelling. The proposal would be constructed out of materials appropriate to the host dwelling.

Whilst the extension is two storey, it is to serve a dwelling which is of an individual design within the street and is not considered to be such that it would significantly alter the overall appearance of the host property or wider street scene. The proposed extension is of a design which is in keeping with the design features of the host property and on the basis it is constructed from materials which in all respects match those used in the construction of the existing dwelling it is considered the proposal would be acceptable having regard to Section 5.2 of the HEASPD.

In terms of the single storey side extension, section 5.3 of the HEASPD refers to side extensions. This states that the width of the proposal should not be more than 2/3 of the original house, not exceed 5m in height and be set back. It is acknowledged by officers that the proposal would not accord with aforementioned points; however, the dimensions of the proposal follow that of the existing footprint of development on site. The design would be more in keeping in terms of materials of construction and it is considered that by comparison to the visual impact of the existing dwelling and existing structures in place the proposal would not have a significantly greater visual appearance than that which exists already. Therefore, the proposal is considered acceptable in the context of the host dwelling and wider site. This element is recommended to be subject to condition requiring the materials of construction to match those used in the construction of the host property.

Having taken the above into account, the proposed development would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extension forms a subservient addition to the property in keeping with the existing building.

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 Extension & Alterations SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key

Design Principle 5 on overshadowing/loss of light and Key Design Principle 6 on preventing overbearing impact.

The front extension would be set central in the principal elevation of the host dwelling. It would not feature any side facing windows to raise any concerns regarding overlooking and the separation distance from neighbouring dwellings would be sufficient enough to not raise any significant concerns regarding overshadowing/loss of light/overbearing.

The single storey extension would largely have the same footprint as the existing single storey projection and a maximum height of 3.2m. There would be no additional windows in the rear or side elevation and therefore no significant issues would arise regarding overlooking.

Whilst the proposal would increase the level of built form in place upon the site, it is not considered this would be to a significant degree over and above that which exists already. It is therefore considered that the impact of the development in terms of oppressiveness to neighbours or being overbearing would not be significant particularly taking account of the size / scale of the proposal.

To prevent overlooking occurring as a result of use of the roof of the extension as a terrace a condition would be included to require the use of the roof of the single storey extension to be roof only and not used as a balcony / terrace.

Subject to condition it is considered that the proposal would have an acceptable relationship with the neighbouring properties and their residents thus according with LP 24 of the Kirklees Local Plan, Key Design Principles 3, 5 and 6 of the Kirklees House Extensions and Alterations SPD and guidance contained within Chapter 12 of National Planning Policy Framework

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF 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 Principles 12 and 19 of the Housebuilders design guide which seek to ensure acceptable levels of off street parking, adequate waste storage facilities are provided, are also considered to be of relevance.

A formal consultation with KC Highways has not been conducted as the proposal would not significantly alter parking arrangements on site. There are also no parking restrictions on site. The proposal would not alter waste storage arrangements and is considered to benefit from sufficient levels of parking which would remain.

The proposal would therefore comply with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extensions and Alterations SPD.

5– Other matters:

Carbon Budget

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.

The proposal is an extension to an existing dwelling. As such, no special measures were considered to be required in terms of the planning application with regards to carbon emission given there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

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.

As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is, therefore, recommended for approval.

Recommendation

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2024/92152

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP23, LP24 and LP51 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

3. The external walls of the single storey extension to side and external walls and roofing materials of the two storey front extension hereby approved shall in all respects match those used in the construction of the existing building and be retained thereafter.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and the aims of Chapter 12 of the National Planning Policy Framework.

4. The flat roof of the single storey extension to side hereby approved shall be used as a roof area only and shall not be used as a balcony or terrace area at any time throughout the lifetime of the development.

Reason: To ensure no detrimental level of overlooking of neighbouring occupiers occurs in the interests of the residential amenity of neighbouring occupiers to accord with policy LP24 of the Kirklees Local Plan, Principles 3 and 4 of the Council's adopted House Extensions and Alterations SPD and Policies within Chapter 12 of the National Planning Policy Framework.

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

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) to obtain this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

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

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

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

Plans and specifications schedule:

Plan Type	Reference	Date Received
Location Plan		29/08/2024
Proposed elevations	Three of three	28/08/2024
Proposed Floor Plans	Two of three	28/08/2024
Existing Plans	One of three	28/08/2024

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority has, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. No revisions requested.