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Chartered Town Planner – BA(Hons) MRTPI

Residential and Commercial Planning : Planning Applications, Appeals and Enforcement

PLANNING APPEAL STATEMENT OF CASE

**PROPOSED EXTENSIONS AT 88 BRADLEY
ROAD, BRADLEY, HUDDERSFIELD**

APPELLANT: J BAGRI

NOVEMBER2024

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1. INTRODUCTION

- 1.1 This statement is produced in support of a planning appeal against the refusal of Kirklees Council to grant planning permission for extensions and alterations at 88 Bradley Road, Huddersfield.
- 1.2 The purpose of this statement is to provide a review of local and national planning policies before presenting a case in support of the appeal taking into account to all material planning considerations.

2. THE APPEAL SITE AND PLANNING BACKGROUND

- 2.1 The appeal site is a detached dwelling in a residential area with existing housing to either side and to the rear.
- 2.2 Planning permission has previously been granted to raise the roof height to create first floor accommodation through the erection of extensions and alterations to the property, in May 2023. That approval is still extant. Details of the approved scheme including decision notice and approved plans are attached at Appendix 1 and 2 to this statement.

3. THE APPEAL APPLICATION

- 3.1 The application proposed an amended scheme to the plans approved in 2023.
- 3.3 The application was refused for a single reason as follows:

"The proposed raised eaves and ridge height of the host dwelling, and the proposed two storey gable rear extension, cumulatively, by virtue of their scale, design and siting would lead to a detrimental overshadowing and overbearing impact to the occupiers of No. 90 Bradley Road. Therefore, the proposal would fail to retain a high standard of amenity for existing occupiers of this neighbouring dwelling, contrary to Policy LP24 of the Kirklees Local Plan, Key Design Principles 4, 5 and 6 of the Kirklees House Extensions and Alterations Supplementary Planning Document and Chapter 12 of the National Planning Policy Framework.

4. PLANNING POLICY FRAMEWORK

Local Policy

- 4.1 The statutory development plan consists of the Kirklees Local Plan which was adopted on 27 February 2019. The site is not allocated for any specific purpose on the Local Plan Policies Map.
- 4.2 Policy LP1 of the Local Plan advises of a positive approach when considering development proposals that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
- 4.3 Policy LP24 advises that house extensions should be subservient to the original building, and be in keeping with the existing buildings in terms of scale, materials and details, as well as minimising impact on the residential amenity of future and neighbouring occupiers.
- 4.4 The House Extensions and Alterations SPD was adopted in 2021.

- 4.5 Key Design Principle 4 says that extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light and outlook.
- 4.6 Key Design Principle 5 says that extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property.
- 4.7 Key Design Principle 6 says that extensions and alterations should not unduly reduce the outlook from a neighbouring property.

National Policy

- 4.8 Paragraph 131 of the National Planning Policy Framework advises that good design is a key aspect of sustainable development, creating better places in which to live and work and helping to make development acceptable to communities.
- 4.9 Paragraph 135 advises that planning policies and decisions should aim to ensure that developments:
 - i. are visually attractive as a result of good architecture and appropriate landscaping;*
 - ii. sympathetic to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation or change; and*
 - iii. function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.*

5. CASE IN SUPPORT OF THE APPEAL

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.2 The LPA's objection to the application is on the grounds that the proposed extensions through their siting, scale and design would result in a detrimental overshadowing and overbearing impact to the occupiers of No 90 Bradley Road, which is the property to the north west of the appeal site.
- 5.3 Policy LP24 discusses the need for house extensions to minimise the impact on the residential amenity of future and neighbouring occupiers.
- 5.4 The SPD is referenced in the decision notice, specifically key design principles 4, 5 and 6, which essentially reflect the advice in Policy LP24. Whilst the SPD is a material consideration, it is not part of the statutory development plan and so does not have the same status as the statutory development plan and as a result the decision maker is able to depart from it in context.
- 5.5 The appellant's view is that having regard to the extant planning permission the proposals in the appeal application would have a lesser impact in terms of the effect of the neighbouring property at No 90. This is emphasised by the comparison drawing attached at Appendix 3 to this statement which shows the approved scheme and the appeal scheme.

- 5.6 In the appellant's opinion the proposal would not have an unacceptable impact on the neighbouring property and would, as a result, comply with Policy LP24 of the Local Plan and the guidance in the SPD.
- 5.7 On behalf of the appellant it is requested that the appeal is upheld and that planning permission is granted.