

**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:	2024/62/93151/W
Site Address:	167, Bradley Road, Bradley, Huddersfield, HD2 1QF
Description:	Erection of garage with raised patio (retrospective)
Recommending Officer:	Joanna Rednall

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 09-Jan-2025

The Site

167, Bradley Road relates to a two-storey, semi-detached property located in Bradley, Huddersfield. The property is finished and stone benefits from a driveway to the front and side, alongside amenity space to the rear. Pedestrian and vehicular access can be taken from the site onto Bradford Road, and boundary treatments consist of short stone walls and hedging. There are also changes in land levels within the site, due to the topography of the area. The site is situated within a wider residential estate, whereby the neighbouring properties vary in design and form. Nonetheless, the common construction material is stone.

The Proposal

The applicant is seeking planning permission for erection of garage with raised patio (retrospective).

All measurements are approximate.

Erection of garage

The proposed garage would be single storey in height and would be erected within the rear curtilage of the dwellinghouse. The garage measures 5.7 metres in depth, 2.9 metres in width, 2.5 metres eave height and 3.5 metre ridge height, the garage is also set off the shared side boundary with No.165 by 1 metre. The garage is built on the raised patio, taking the total height of the development to 6.2 metres when measured from the south/rear elevation.

The submitted application form sets out the walls are finished in stone and the roof is finished with grey tiles. One UPVC door and window are proposed to the side/west facing elevation, and one window is proposed to the rear/ south facing elevation.

Raised patio

The raised patio projects 5 metres from the rear elevation of the single storey extension at the application property and has a maximum width of 8.6 metres. The raised patio is set away from the shared side boundary with No.169 by 0.85 metres, and the submitted elevations show a 1.8 metre obscure balustrade to the side/west facing elevation. The patio is raised 2.5 metres from external ground level and the underbuild is finished in stone to match the house.

History of Negotiations

Minor amendments were made to the proposed raised patio elevations, this is in the form of a 1.8-metre-high obscure glazed balustrade to protect the amenity of occupants at No.169. The application has been determined on the basis of these plans.

Planning History

Relevant planning history is summarised as follows:-

165, Bradley Road

2017/91956: Erection of extensions and alterations and erection of detached garage/workshop

CONDITIONAL FULL PERMISSION

Publicity & Representations

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, this application has been publicised via neighbour notification letters.

Final publicity date expired: 16th December 2024

2 letters (which includes hand-written letters, e-mails and on-line representations) of representation have been received. These are summarised as follows:-

Letters of objection

- The plans are misleading, the application does not acknowledge the lower ground floor extension
- The proposed garage does not meet the standard internal measurements for a garage.
- The materials do not match those used on the original house
- The development would appear out of keeping with the scale and style of the original house
- Loss of privacy, overlooking, and overbearing

Consultations

No statutory consultations were requested for this application.

Allocation & Policies

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).

Local guidance and policy is provided by the Kirklees Local Plan (adopted February 2019) as such the following policy, guidance and legislation is considered relevant to the determination of this application:-

Kirklees Local Plan (LP)

- LP1 Achieving Sustainable Development
- LP2 Place Shaping
- LP21 Highway Safety
- LP22 Parking Provision
- LP24 Design
- LP30 Biodiversity

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 12th December 2024, 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. Considered to be of relevance to the consideration of this application are policies within the following chapters: -

- Chapter 2 – Achieving sustainable development
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Chapter16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

House Extensions and Alterations SPD (June 2021)

Kirklees Highway Design Guide (November 2019)

Legislation

The Town & Country Planning Act 1990 (as amended).

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Assessment

The following matters are considered in the assessment below –

1. Principle of development
2. Impact upon visual amenity
3. Impact upon residential amenity
4. Impact upon highway safety
5. Other matters
6. Representations
7. Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 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 National Planning Policy Framework. LP1 goes on further to stating that:

The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

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

In this case, the principle of development in this application is acceptable and shall be assessed against the applicable material planning considerations within the following report.

2 – Impact on character and appearance of the area

Policy LP24 (Design) of the Council’s adopted Local Plan sets out that proposals should promote good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers. Paragraph 135 of the NPPF is also of relevance to the consideration of this application.

Key Design Principles 1 and 2 of the Council’s adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality. Principle 7 of the House Extensions and Alterations SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

Erection of garage

Section 5.29 and 5.30 of the Council’s adopted SPD relates specifically to outbuilding extensions:

“5.29 Outbuildings, such as garden offices, detached garages and granny annexes, can have as much of an impact on the appearance of the building as any other extension. Wherever possible these should reflect the style, shape and architectural features of the existing house and not be detrimental to the space around the building.

5.30 Outbuildings should normally:

- *be subservient in footprint and scale to the original building and its garden taking into account other extensions and existing outbuildings;*
- *be set back behind the building line of the original building so that they do not impact on the street scene; and*

- *preserve a reasonable private amenity space appropriate to the potential number of occupants of the house, and follow a general principle that no more than 50% of garden space should be lost.”*

The proposed garage is single storey in height and is erected within the rear curtilage of the dwellinghouse. The structure has a width of approximately 2.9 metres, a depth of 5.7 metres, a maximum eave height of 2.5 - 4.8 metres due to the change in ground level. The garage would be faced in stone and would incorporate a pitched roof finished in grey tiles to match the appearance of the original dwellinghouse. The structure is set back from the building line and would retain a distance of approximately 17 metres to the public pavement which would reduce its prominence from public vantage points, and the modest scale of the development ensures a subservient scale and footprint to the original dwelling.

Due to the change in ground level, the garage is constructed above the raised patio and appears substantially larger in height when viewed from the rear. However, the structure is set in from the shared east-facing boundary by approximately 1 metre and is designed with a pitched roof to mitigate any obtrusiveness to the side and rear of the structure. In addition, it is acknowledged that properties immediately neighbouring the site have been extended to the rear with similar underbuilds consistent with the application site. Consequently, the proposed garage is not regarded visually intrusive or overbearing within the context of the surrounding site and would appear a subservient addition to the application property.

For these reasons, the proposed development is not considered to have any significant visual impact on the character and appearance of the host property and surrounding area and therefore would be acceptable in this regard.

Raised patio

Section 5.28 of the Council's adopted SPD relates to balcony and terrace extensions:

“5.28 Balconies and roof terraces on existing buildings should not negatively affect neighbouring properties or alter the local character of the area. Balconies and roof terraces should be:

- *Positioned, and screened if required, so that they do not overlook neighbouring homes or gardens.*
- *Sited away from locations that are sensitive to additional noise levels or disruption.”*

The raised patio is also erected within the rear curtilage of the dwellinghouse, projecting 5 metres from the rear elevation of the existing single storey extension at the application property and with a maximum width of 8.6 metres. The proposed plans show the terrace would retain a gap of 0.85 metres to the side boundary shared with No.169 and would be screened by the garage to the side/east facing elevation.

Amended plans have been received showing a 1.8-metre-high obscure glazed balustrade to the west facing elevation to protect the amenity of occupants at No.169. To protect the amenity of No.169, it is recommended that should permission be granted, a condition is attached to the decision notice that the obscurely glazed balustrade to a grade 4 of obscure glazing is installed before the roof terrace is brought into use.

The patio is raised approximately 2.5 metres from external ground level and the under-build is finished in stone. The proposed plans show a 0.9 metre balustrade to the rear elevation, as well as steps providing access down to the rear amenity space. The proposed materials of stone would match the host property, and a glazed balustrade would aid a visually permeable addition to the host, mitigating any undue bulking and massing to the rear elevation.

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 proposal would form a subservient addition to the property in keeping with the existing building, KDP 1 & 2 of the House Extensions and Alterations Supplementary Planning Document and the aims of Chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

The House Extensions and Alterations SPD sets out a number of design principles which will need to be considered when assessing a proposal's impact on residential amenity, which state:

- Principle 3 – that: *“extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours”*.
- Principle 4 – 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.”*
- Principle 5 – that: *“extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property”*.
- Principle 6 – that: *“extensions and alterations should not unduly reduce the outlook from a neighbouring property.”*

The properties potentially affected by the proposed development are those which directly neighbour the site, these being: No's. 165 and 169 Bradley Road. 35, Bent Lea is directly opposite the site, however as the works are located to the rear of No.167 with a separation distance of 50+ metres retained, the proposed development is not considered to impact the amenity of this neighbour.

165, Bradley Road

165, Bradley Road relates to a detached bungalow directly east of the application property. This property has also been extended by virtue of a front and rear extension and detached garage.

It is noted that the garage does bring some additional bulk and massing closer to No.165. However, the eaves which at its very highest point is restricted to 4.8 metres in height and is set away from the shared boundary by approximately 1 metre to mitigate any detrimental overbearing impacts. In addition, the proposed site plan shows the garage does not project beyond the rear elevation of No.165. This arrangement would therefore reduce the potential for any detrimental overshadowing or overbearing impact to occur from the development.

In terms of overlooking, the plans show no additional openings to be inserted into the eastern elevations, and the garage would screen any overlooking impacts of the raised terrace when in use. There is one window proposed to the rear elevation of the garage; however this would look out over the rear garden of the application property and would not result in an undue loss of privacy for

occupants at No.167. For these reasons, the proposed development is not considered to cause undue overlooking/ loss of privacy impacts.

Overall, it has been considered that there would be no significant impact upon these neighbours' amenity, due to the layout of the development proposed. As such, any overbearing, overshadowing and overlooking can be supported.

169, Bradley Road

169, Bradley Road is the adjoining property to the west.

The submitted plans show the raised patio projecting approximately 3.5 metres from the rear of No.169, and the raised patio at the application property projects 2.4 metres beyond this at a maximum height of ~2.5 metres. Given the limited height and projection, as well as it being set off the immediate neighbouring boundary with 169, Bradley Road (by 0.85m), it can be concluded that no detrimental impacts of overbearing or overshadowing will be caused as a result of its erection. The garage is set off the shared boundary by ~7 metres, therefore is not considered to cause any harm to overshadowing / overlooking / overbearing.

In addition, the raised patio is constructed to the east of this neighbour, and due to the orientation of the properties in relation to the sun's path, the raised patio does not cause any significant overshadowing or loss of light upon habitable windows or the main amenity space at No.169.

With regard to privacy, it has been assessed that the 1.8m obscure glazed privacy screen would mitigate any overlooking impacts resulting from the raised patio. A condition will be attached to the decision notice accordingly.

Occupier Amenity

The plans confirm that sufficient outdoor amenity space of a functional layout would be retained at the site. On this basis, the proposed works would ensure an acceptable standard of amenity for existing and future occupants.

It is therefore considered that in terms of residential amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the adopted House Extensions and Alterations SPD, and advice within Chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan and policies within 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 Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off street parking are retained are also considered to be of relevance.

The proposed development would not increase the number of bedrooms on site, and it is considered the number of occupants within the dwelling would remain as existing. With this being the case, proposed parking arrangements are considered to be acceptable. It is noted the garage does not meet the minimum requirements for modern cars, however the property retains sufficient parking space to the front and side of the property to accommodate a sufficient level of parking for the property. This area is already hard surfaced and there is no impediment to its use.

The proposal does not propose any changes highway access. It is therefore considered that the proposal is acceptable in relation to highway safety.

It is also noted that there is sufficient space within the site boundary to accommodate bin storage and therefore would comply with Key Design Principle 16 of the SPD.

It is therefore considered that in terms of access and highway safety / parking the proposed would comply with Policies LP21 and LP22 of the Kirklees Local Plan, principle 15 of the Council's Street Design Guide and chapter 9 of the National Planning Policy Framework.

5 – Other matters:

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 pre-dates 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.

Considering the modest nature of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. A Climate Change statement has been submitted with this application.

Impact upon land stability

Policy LP53 of the Kirklees Local Plan and paragraphs 187 and 196 of the National Planning Policy Framework are relevant which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

The application site falls within an area at low / High risk of ground movement as a result of past mining activities as determined by the Coal Authority. Whilst falling within a high risk area the Coal Authority identify the development type as that which does not need submission of a Coal Mining Risk Assessment. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority's standing advice is provided with any grant of approval. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with policy LP53 and paragraphs 180 and 189 of the National Planning Policy Framework.

6 – Representations:

- The plans are misleading, the application does not acknowledge the lower ground floor extension

Officer response: This is noted. A site visit was conducted whereby the officer was able to view the proposal in the context of the site. The plans have been assessed as submitted and a recommendation made as such.

- The proposed garage does not meet the standard internal measurements for a garage.

Officer response: This is noted and has been carefully considered under section 4 of this report.

- The materials do not match those used on the original house

- The development would appear out of keeping with the scale and style of the original house

Officer response: These comments and the wider impact on visual amenity has been carefully considered under section 2 of this report.

- Loss of privacy, overlooking, and overbearing

Officer response: The impact on residential amenity has been carefully considered under section 3 of this report.

7 – Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2024/93151

Officer Recommendation: Approve

Conditions

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 (as amended).

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 accord with Policies LP01, LP02, LP21, LP22 & LP24 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 9, 12 and 14 of the National Planning Policy Framework

3. The external walls and roofing materials of the garage hereby approved shall in all respects match those used in the construction of the existing building.

Reason: In the interests of visual amenity and in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, Principles 1 and 2 the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

4. The raised patio hereby approved shall not be first brought into use until the obscurely glazed balustrade shown on the approved plan reference 2444/01B has been installed in complete accordance with the detail shown on that plan and to a grade 4 degree of obscure glazing. Thereafter, the obscurely glazed balustrade shall be retained in accordance with the details shown on the approved plan and the requirements of this condition.

Reason: In the interests of residential amenity and in accordance with Policy LP24(b) of the Kirklees Local Plan, Design Principle 3 of the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing and Prop Layout and Elevations	2444/01B	01B	31/12/2024
Application form			06/11/2024
Climate Change Statement			07/11/2024

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 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. Minor amendments were made to the proposed raised patio elevations, this is in the form of a 1.8 metre high obscure glazed balustrade to protect the amenity of occupants at No.169.

Report Dated:

06/01/2025

High coal