

**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:	2024/62/93500/E
Site Address:	34, Kingsley Drive, Birkenshaw, Bradford, BD11 2NE
Description:	Erection of detached single storey building to create dwelling forming annex accommodation associated with 34, Kingsley Drive, Birkenshaw, BD11 2NE
Recommending Officer:	Elenya Jackson

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: 6-FEB-2025

Officer Report

Reference No. 2024/93500

Site Address: 34, Kingsley Drive, Birkenshaw, Bradford, BD11 2NE

Proposal: Erection of detached single storey building to create dwelling forming annex accommodation associated with 34, Kingsley Drive, Birkenshaw, BD11 2NE

Site Description

The application relates to 34 Kingsley Drive, a two storey, semi-detached property. The site is located within a residential area.

Description of Proposal

The application seeks planning permission for the erection of a single storey building within the curtilage to create a dwelling forming annex accommodation. The existing garage on site would be demolished to facilitate the development.

The proposed works have been summarised below:

- The structure would be single storey in height
- The building would have a maximum length of 11.5m and a maximum width of approx. 3.8m.
- The building would have a maximum height of approx. 4.1m due to changes in topography.
- Construction materials – Brick

History of Negotiations/Amendments Received

No amendments have been sought or received during the course of the application.

Relevant Planning History

N/A

Representations

The application was publicised by neighbour notification letters, which expired on 29th January 2024. As a result of the above publicity, no representations have been received.

Consultation Responses

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 not allocated.

Kirklees Local Plan Policies

- **LP 1** - Achieving Sustainable Development
- **LP 21** - Highways and Access
- **LP 22** – Parking
- **LP 24** - Design
- **LP 30** - Biodiversity & Geodiversity
- **LP 33** - Trees
- **LP 52** - Protection and Improvement of Environmental Quality

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. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

In this case, the following SPDs are applicable:

- House Extensions and Alterations SPD (adopted 29th June 2021)
- Highways Design Guide SPD (adopted 4th November 2019)
- Biodiversity Net Gain Technical Advice Note (adopted 29th June 2021)

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, 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 12** - Achieving Well-Designed Places
- **Chapter 14** - Meeting the Challenge of Climate Change, Flooding and Coastal Change

- **Chapter 15 - Conserving and Enhancing the Natural Environment**

Assessment

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

Policy LP24 of the Kirklees Local Plan states 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.

Key Design Principle 1 of the House Extensions & Alterations Supplementary Planning Document (SPD) does state 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 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.

The single storey building would be located where there is an existing garage on site. The structure would measure approximately 11.5m in length, approx. 3.8m in depth and approx. 4.1m in height. There is also a shed type structure to the front of this garage, providing built form on this boundary.

The annex building would have an acceptable scale in visual amenity terms and would appear subservient in relation to the host dwelling due to the length of it not being overly prominent from the public realm, the proposal being single storey and set back from the host dwelling. The building would be faced in brick which is considered in-keeping with the host dwelling. On this basis, it is considered that the proposed development would not have any significant visual impact on the character and appearance of the surrounding area.

Having taken the above into account, the proposed development would not cause any significant harm to the visual amenity of the surrounding street scene, complying with Policy LP24 of the Kirklees Local Plan and the aims of Chapter 12 and 13 of the National Planning Policy Framework.

1. Impact on Residential Amenity of Neighbouring Residents

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 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.

32 Kingsley Drive: adjoins the application site to the north The driveway of both properties separates the dwellings.

Overlooking: The proposal would not feature any windows on its rear elevation.

Overshadowing/loss of light: The structure would be single storey and not within the vertical 45 degree visibility splay of any habitable room windows at no.32; therefore, no significant issues would arise regarding overshadowing/loss of light.

Overbearing: The proposal would be located next to an outbuilding belonging to no.32 which would screen a large portion of the proposed annexe from view and the proposal would not intercept the immediate amenity space of no.32. Whilst the structure will be longer in length, the neighbouring property is positioned at a higher level to the application site, with the bulk and massing being reduced. Furthermore, the extended part of the new structure, when compared to the existing garage, will be to the rear which further acts to mitigate any adverse harm from the most likely utilised amenity space of the neighbour. Therefore, no significant issues would arise regarding overbearing.

36 Kingsley Drive: it is considered that due to the separation distance between the proposal and its orientation, no significant concerns regarding the residential amenity of the occupiers of no.36 would be raised.

Future occupiers

In terms of the amenities of the proposed occupiers, Principle 16 of the Kirklees Housebuilders Design Guide SPD states that: "All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although

the annexe is in conjunction with the host dwelling, it is considered necessary to ensure there would be appropriate living accommodation.

The government has set out Nationally Described Space Standards which are not currently adopted in the Kirklees Local Plan. Notwithstanding the above, National space standards require the following gross internal floor area for a two bed one storey dwelling:

1 Bedroom, 1-person dwelling set over 1storey's- 37(9) square metres

The proposed floor plans show the proposal would have one bedroom and therefore is required to have an internal floor space of a minimum of 37m².

The proposed annexe would fall short of nationally described space standards; however, as the structure is not be a 'stand alone' dwelling and would have use of the garden and the facilities of the main dwelling, the proposed development, subject to conditions, is therefore considered acceptable in terms of the amenity of future occupiers, complying with Local Plan Policies LP24 and Chapter 12 of the National Planning Policy Framework.

2. Impact on Highway Safety

Local Plan Policies LP21 and LP22 of the Kirklees Local Plan are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Furthermore, Paragraph 116 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.

The proposal would introduce annex accommodation to the property, which would include one bedroom. However, the existing access would remain unchanged by the proposals and ample space is retained for off-street parking. The existing garage that is located on site is not currently utilised as a parking space. Due to off street parking being retained at the site, the proposed development would be acceptable in terms of highway safety and would accord with Policies LP21 and LP22 of the Kirklees Local Plan, Chapter 9 of the NPPF, Principles 15 and 16 of the Kirklees House Extensions and Alterations SPD and the Highways Design Guide SPD.

3. 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 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.

In this case, due to the nature of the proposal is not considered reasonable to require the applicant to put forward any specific resilience measures.

Construction Noise

Construction noise can give rise to loss of amenity to neighbouring noise sensitive receptors. It is therefore necessary for a footnote to be imposed restricting the hours of operation for the site.

Use of the Annex

In the event that planning permission is approved, it is recommended that a condition be attached restricting the annex accommodation from being sold, leased, rented or used as an independent dwelling unit or let out as holiday accommodation in accordance with the aims of Policies LP21, LP22 and LP24 of the Kirklees Local Plan as well as the aims of the National Planning Policy Framework.

There are no other matters considered relevant to the determination of this application.

4. Representations

N/A

5. Conclusion

This application for the erection of a single storey building to create dwelling forming annex accommodation associated with 34, Kingsley Drive, Birkenshaw, Bradford, BD11 2NE has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed development is considered acceptable.

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: 2024/93067

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, LP3, LP11, LP21, LP22, LP24, LP30, LP33, LP52 and LP57 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

4. The annex accommodation hereby approved shall be used solely as ancillary accommodation to the existing dwellinghouse known as 34, Kingsley Drive, Birkenshaw, Bradford, BD11 2NE and shall not be sold, leased, rented or used as an independent dwelling unit or let out as holiday accommodation.

Reason: To ensure that the annex is used solely as ancillary accommodation to the main dwellinghouse in accordance with Policies LP21, LP22 and LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

NOTE: 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.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing

access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

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 13.00hours, 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 can 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		12/12/2024
Proposed site and Block Plan	24/144	12/12/2024
Existing and Proposed Plans	24/144/A Rev:A	12/12/2024
Climate Change Statement	-	12/12/2024

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. In this case, the design of the original scheme has been found acceptable. No further amendments or details were sought thereafter.

Report Dated: 3/02/2025

