
Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 14-Oct-2020

**Subject: Planning Application 2020/91781 Erection of raised decking to rear
831, Bradford Road, East Bierley, BD4 6PQ**

APPLICANT

P Salloway

DATE VALID

22-Jun-2020

TARGET DATE

17-Aug-2020

EXTENSION EXPIRY DATE

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Birstall and Birkenshaw

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report and issue the decision.

1.0 INTRODUCTION:

- 1.1 This application is brought to Strategic Planning Committee for determination due to the application being submitted by an elected member of Kirklees Council, Cllr Charlotte Goodwin. This is in accordance with the Council's Scheme of Delegation.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application relates to 831 Bradford Road in East Bierley. The site comprises a two-storey semi-detached dwelling which is constructed from stone and white coloured render for the external walls and tiles for the roof.
- 2.2 The dwelling is set back from the access road with a with a gravelled area to the front, driveway to the side and a garden to the rear. The rear garden is located at a lower land level, accessed via steps which are located to the side of the dwelling. There is a small timber outbuilding located to the side of the dwelling.
- 2.3 The surroundings of the site are residential in nature. Whilst the stretch of Bradford Road on which the application site is located comprises a number of semi-detached properties of a similar appearance to the application dwelling, there are also a number of detached, semi-detached and terrace properties which vary in terms of their type, style and design.

3.0 PROPOSAL:

- 3.1 The application seeks planning permission for the erection of raised decking to the rear. It was noted at the time of site visit that the raised decking had been erected. The application shall therefore be assessed retrospectively.

3.2 The decking projects 2.1 metres from the rear elevation of the dwelling, located along the boundary shared with the adjoining property. The decking has a width of 3.3 metres, set in from the side elevation of the dwelling by 2.5 metres. The decking is raised above ground level by 1.45 metres with steps which lead down to the rear garden. The decking is constructed from timber with a natural finished. It is framed with timber balustrade which have a height of 1.15 metres.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 No relevant planning history at the site or surrounding properties.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

5.1 No history of negotiations or revisions made to the scheme.

6.0 PLANNING POLICY:

6.1 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).

6.2 The site is unallocated on the Kirklees Local Plan.

6.3 Kirklees Local Plan (2019):

LP 1 – Achieving sustainable development

LP 2 – Place shaping

LP 21 – Highway safety and access

LP 22 – Parking

LP 24 – Design

LP 51 – Protection and improvement of local air quality

6.4 National Planning Policy Framework (NPPF):

Chapter 2 – Achieving sustainable development

Chapter 12 – Achieving well-designed places

Chapter 14 – Meeting the challenge of climate, flooding and coastal change

Chapter 15 – Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was publicised by neighbour letters. As a result of the statutory publicity, no representations have been received.

8.0 CONSULTATION RESPONSES:

8.1 Due to the nature of the proposed development as well as the context of the application site and the surrounding area, no consultation responses were required in this instance.

9.0 MAIN ISSUES

- Principle of development
- Impact on visual amenity
- Impact on residential amenity
- Impact on highway issues
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

10.1 Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is the focus of policy LP1 of the Kirklees Local Plan. This policy stipulates that proposals that accord with policies in the Kirklees Local Plan will be approved without delay, unless material considerations indicate otherwise. Policy LP24 of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development in the surrounding area as well as to protect the amenity of the future and neighbouring occupiers, to promote highway safety and sustainability.

10.2 These considerations, along with others, are addressed in the following sections of this report.

Impact on visual amenity

10.3 The raised decking is relatively small in scale and is considered to be subservient to the host dwelling which remains the dominant feature. The decking is constructed from timber of a natural finish, which is considered to have no significant impact on the visual amenity of either the host or adjoining properties.

10.4 In the context of the site and the surrounding area, the scheme would not create a visually intrusive feature within the local area in terms of its scale and design. The decking is located to the rear of the property and is therefore not visible from Bradford Road. This is considered to reduce the impact of the development on the street scene and the wider area. In addition, it is noted that the adjoining property (829 Bradford Road) benefits from raised decking to the rear of a similar scale. It is noted however that there is no planning history for this development.

- 10.5 In conclusion, it is considered that the proposed development would be acceptable in terms of its design and the impact on the visual amenity of the application dwelling and the character of its immediate surroundings. On this basis, officers are satisfied that the proposal complies with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Impact on residential amenity

- 10.6 The site is located within a residential area. This section will assess the relationship of the proposed development with the neighbouring properties.

Impact on 829 Bradford Road

- 10.7 The dwelling at 829 Bradford Road is adjoined immediately to the south east of the application property. The decking is screened from the adjoining property by existing boundary treatment, with the top of the balustrade sitting roughly in line with the top of the brick boundary wall. For this reason, it is considered that the proposal does not have a significant overbearing or overshadowing impact.

- 10.8 Whilst there is the potential for some overlooking from the raised decking into the rear amenity space of the adjoining property, it is noted that the property benefits from its own raised decking to the rear, where a similar relationship exists. The decking is small in scale with a limited projection. When considering that the majority of the rear amenity space at the adjoining property is located at a lower land level, it is considered that any overlooking would not be significantly harmful to the residential amenity of the occupiers of this property.

Impact on 833 Bradford Road

- 10.9 The dwelling at 833 Bradford Road is located to the north west of the application dwelling. It is considered that sufficient distance is retained between the raised decking and the property to prevent the proposal from having a significant overbearing or overshadowing impact. It is considered that this distance, as well as the fact that the amenity space of the property is also located at a lower land level, is sufficient to prevent harmful overlooking.

Impact on land to the rear

- 10.10 Whilst the raised decking allows some overlooking of the land which is located immediately to the rear of the application dwelling, it is noted that this land is allocated as Green Belt and is therefore unlikely to be development in the future. The impact on this land is therefore considered to be acceptable.

Summary in regard to residential amenity considerations

- 10.11 For the reasons set out above, the development is considered, in officers view, acceptable, complying with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Impact on highway safety

- 10.12 The development includes the erection of raised decking within the rear garden of the application dwelling. The proposal does therefore not result in an intensification in the domestic use of the property, nor does it affect the existing parking and access arrangements at the site.
- 10.13 Considering the above, the proposal is considered acceptable from a highway safety perspective, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

Representations

- 10.14 No representations have been received as a result of the statutory publicity period.

Other Matters

Coal Mining Legacy

- 10.15 The site is located within a 'high risk' coal mining area. The proposed development is for a householder development and therefore this falls under the 'exemptions' on the Coal Authority's exemptions list. For this reason, a Coal Mining Risk Assessment or consultation with The Coal Authority has not been undertaken and the proposed development is considered acceptable in this regard.

Contaminated Land

- 10.16 The site is identified on the Council's mapping system, as being located within the outer zone of a HP Gas Pipeline. The Health & Safety Executive was consulted during the course of the application and confirmed that the site does not fall within the required consultation zone.

Climate Change

- 10.17 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.
- 10.18 The proposal represents domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, 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. For this reason, the proposed development is considered to comply with Policy LP51 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.
- 10.19 There are no other matters considered relevant to the determination of this application.

11.0 CONCLUSION

- 11.1 To conclude, it is considered that the proposal would have an acceptable impact with regards to visual amenity, residential amenity and highway safety as discussed in the above report and complies with national and local planning policies against which it has been assessed.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)

1. Development in accordance with the submitted plans.

Background Papers:

Application documents can be viewed using the link below:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020/91781>

Certificate B was submitted as part of this application, signed and dated 15.06.2020.