
Report of the Head of Planning and Development

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 17-Dec-2019

Subject: Planning Application 2019/91083 Demolition of existing dwelling and erection of detached dwelling with detached garage/gym/store 345, Bradley Road, Bradley, Huddersfield, HD2 1PR

APPLICANT

S Yousaf

DATE VALID

01-Apr-2019

TARGET DATE

27-May-2019

EXTENSION EXPIRY DATE

30-Jun-2019

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: Ashbrow

No

Ward Members consulted

RECOMMENDATION: Refuse

1 The proposed replacement dwelling, by reason of its siting, scale and design, would result in an overbearing impact to the detriment of neighbouring occupants in addition to forming an overly prominent and incongruous feature within the street scene to the detriment of the visual amenity of the area. As such the proposed development would be contrary to Policy LP24 (a) and (b) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

1.0 INTRODUCTION:

1.1 This application has been brought to Committee at the request of Cllr Harpreet Uppal for the following reason:

“To consider the scale and impact of the development on visual and residential amenity given the planning history of the site.

I don't consider this requires a member's visit to the site but would like it to be heard by members.”

1.2 The Chair of Committee has confirmed that Cllr Harpreet Uppal reason for making this request is valid having regard to the Councillor's Protocol for Planning Committees. The Chair agreed to a site visit taking place at the request of Officers.

2.0 SITE AND SURROUNDINGS:

2.1 345 Bradley Road, is a detached bungalow constructed with a small stone plinth and render above with a dual pitched gabled red pantile roof. The gabled roof of the property runs from east west, between both the side boundaries with neighbouring dwellings to the east and west of the site.

2.2 The property has a small front round bay with gable above towards the east side of the front elevation and a detached single flat roofed garage at the rear with existing access taken from Bradley Road and running along the east boundary to the side of the dwelling.

2.3 The front garden is bounded by a stone wall with coping stones along the road frontage with a rockery and small lawn area.

- 2.4 The property is situated on a relatively level site, however is slightly elevated above Bradley Road. Furthermore there is a very gradual incline from East to West with the property to the east at a slightly lower level.
- 2.5 The existing rear garden is flat, predominantly lawn with a small patio to the rear of the property with the boundary treatment being mature conifers along both side boundaries.
- 2.6 The property is located within a residential area of varied properties both in terms of scale and design. The properties either side of the application site are bungalows with hipped roofs

3.0 PROPOSAL:

- 3.1 Permission is sought for the demolition of the existing bungalow and the erection of a 2-storey detached property.
- 3.2 The current bungalow comprises of 2 bedrooms with a bathroom, kitchen, lounge and dining room. The width of the bungalow is 11m at its widest due to it being narrow at the front by 8m deep.
- 3.3 The proposal is to create a new larger 2-storey dwelling that is 11m wide by 16m deep along the east facing elevation adjacent to the drive and No. 343 Bradley Road reducing to 13m along the boundary with No. 347 Bradley Road. The application also includes the erection of a large detached garage measuring 9m by 5m which is set towards the bottom of the garden adjacent to the eastern boundary.
- 3.4 The accommodation would provide a kitchen breakfast, utility, summer room, ground floor bathroom, lounge/snug and cinema room with 4 large double bedrooms, 2 with en-suites, a family bathroom and a first floor balcony to the master bedroom projecting 1.75m by 4.65m
- 3.5 The proposed construction materials would be a combination of stone and white render with grey upvc framed windows and concrete tiled roof.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 2018/90937 – extensions and alterations to create a 2-storey dwelling - Approved

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 2018/90937 – Extensions and alterations: This application was approved following receipt of amended plans showing significant revisions to the proposals. This was due to concerns regarding scale and massing and impact on the street scene and neighbouring occupants.

2019/91083 – Demolition of existing dwelling and erection of detached dwelling with detached garage: Officers raised concerns as to the previous application in relation to scale, massing and impact on the street scene in addition to being overbearing for neighbouring occupants. The detached garage proposed was also large occupying almost half of the rear garden. Following concerns raised with the applicant/agent/planning consultant at a meeting, Officers advised that the scale of the previous approved scheme be used as guidance to assist in informing the scale of the dwelling now proposed. Amended plans have been received. The plans address matters relating to the garage which has been reduced in size however the amendments to the main dwelling do not overcome concerns.

The amendments have been highlighted by the agent as follows:

- We've pulled the whole plot slightly forward and away from the boundary by 350mm
- The overall ground height has been further lowered by a total 480mm from the original application (to reduce the bulk and mass)
- Lowered the eaves. These are now in line with the previously approved scheme.
- Reduced the roof angle (to reduce bulk and mass)
- Removed the balcony roof. This reduces the mass at first floor level to the rear of the proposal
- Re-designed the garage and outbuilding this is now a traditional rectangle to the rear of the site
- The kitchen window has been relocated and now adjacent to the neighbours blank wall
- Privacy screen added to the side balcony

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.

6.2 The site is without notation within the Kirklees Local Plan.

6.3 Kirklees Local Plan

- **LP1** – Achieving sustainable development
- **LP2** – Place shaping
- **LP21** – Highways
- **LP22** - Parking
- **LP24** – Design
- **LP30** - Biodiversity

6.4 Supplementary Planning Guidance / Documents:

Kirklees Highways Design Guide SPD 2019

6.5 National Planning Guidance:

National Planning Policy Framework

- **Chapter 12** – Achieving well-designed places

National Design Guide 2019

7.0 **PUBLIC/LOCAL RESPONSE:**

- 7.1 The application was publicised by site notice and neighbour notification letters, following amended plans neighbours have been re-notified. Fifteen letters of representations have been received in total to the initial plans and revised scheme.

These include three letters in support from the applicant, with the remaining objections from 5 households, with three households commenting again to the revised plans

Comments of support:

- In balance within the street scene
- No 341. built higher than approved sets a precedent

Comments of objection:

- Height of new dwelling disproportionate to the bungalows either side
- Overshadowing
- Loss of light/ privacy from side windows and first floor balcony
- Rear garage would be converted into another home.
- De-value adjacent properties
- No measurements on submitted drawings.
- Damage due to construction work
- Loss of a bungalow
- Disruption through construction vehicles

8.0 **CONSULTATION RESPONSES:**

- 8.1 None required

9.0 **MAIN ISSUES**

- Principle of development
- Urban design issues
- Residential amenity
- Highway safety
- Other matters
- Representations
- Conclusion

10.0 APPRAISAL

Principle of development

- 10.1 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 NPPF.
- 10.2 The scheme will be assessed taking into account local policy guidance within Policies LP1, LP2 and LP24 of the Kirklees Local Plan which supports the guidance contained within the NPPF. Policy LP24 is particularly relevant in this instance in relation to design and 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, heritage assets and landscape;

Urban Design issues

- 10.3 The proposal is to replace an existing bungalow with a two story dwelling. The existing dwelling currently sits between two bungalows which have pyramid/hipped style roofs. It is recognised that the area as a whole provides mixed style accommodation in the form of both bungalows and 2-storey properties, either detached or semi-detached. Therefore in principle a replacement dwelling could be provided over two floors.
- 10.4 There is an extant planning permission to extend the existing bungalow to provide additional accommodation in the roof space by raising the eaves, in part, to provide 4 first floor bedrooms, two with en-suites and a family bathroom.
- 10.5 The previous application was to use the existing footprint of the bungalow and extend to the rear by a further 5.3m at ground floor and 3.8m at first floor. The roof orientation was changed so the ridge ran from front to back of the plot in order to reduce the impact on the neighbours either side.
- 10.6 The new application to replace the bungalow would increase the width of the bungalow to 11m from 10m, increase the depth from 8m to 15.7m at ground floor and 14m at first floor to accommodate the rear balcony. This would result in a total increase of 7.7m at ground floor and 6m at first floor from the rear elevation of the existing building as well as increasing the width by 1m.
- 10.7 The height of the existing bungalow is 5.63m and the eaves at 2.6m raising to eaves at 4.55m and height to 7.2m. It is accepted that the overall height is less than the approved extensions, however the eaves have increased from 3.7 (extension) to 4.55 (new dwelling), in order to reduce the height in relationship to its neighbours, the levels of the site will be lowered by 0.5m.
- 10.8 In terms of design, the property has been designed with a shallow pitched roof with two small front gables either side of a fully glazed entrance to a 2-storey atrium. The detached garage is of simple form, rectangular with pitched roof.
- 10.9 The materials proposed are a combination of stone for the ground floor and white render at first floor similar to that in the construction of the existing bungalow and at No 341. These materials are proposed in the construction of the detached garage.

- 10.10 The scale, massing and design of the new dwelling, would result in a structure that would be out of scale with its neighbours and of a form, scale and layout that would not respect or enhance the character of the street scene. As such this part of the development proposals would be contrary to Policy LP24 a. of the Kirklees Local Plan and the National Planning Policy Framework.
- 10.11 With regards to the detached garage this has been reduced in size and is located within the rear garden, measuring 5m wide by 9m in depth to include a rear store. Given its location it would have no impact on the street scene nor is it considered give rise to any concerns regarding visual amenity or general character of the area. This part of the development is considered to be acceptable.

Residential Amenity

- 10.12 With regards to residential amenity, overbearing and /or overshadowing, the proposals to replace the existing bungalow with a larger two storey dwelling would introduce a building much greater in mass than existing. The proposed dwelling would be in close proximity to adjoining neighbouring land and buildings. The relationship of the proposed dwelling with these existing neighbours would be significant, particularly when considering the current building is a true bungalow.
- 10.13 The side elevation to the east of the replacement dwelling would be increased in terms of depth and mass, the appearance would be of a much larger expanse of wall to that of the neighbour along their west facing boundary (no. 343). This neighbour is at a lower level. As a result of the increase, in addition to the changes to land levels, it is considered that there would be a material impact on the neighbouring occupants by virtue of overshadowing and from being overbearing.
- 10.14 The development would introduce three first floor windows at upper floor level in the east side elevation which could result in overlooking the neighbouring dwelling at no. 343, however, these are non-habitable accommodation and as such could be conditioned to be obscurely glazed. The proposed ground floor kitchen window faces onto the neighbour's extension which is a blank wall and as such will not result in any loss of amenity to the occupants. A first floor balcony is shown within the rear elevation. It is proposed to incorporate side privacy screening but would remain to be open to the rear thereby overlooking the rear garden and that adjoining. The screening could be conditioned to be higher to mitigate any potential loss of privacy to adjoining amenity space.
- 10.15 The redevelopment of the bungalow increases the scale and mass when viewed from the west. Although the footprint appears to be generally in line with that of the existing neighbouring dwelling at no. 347 it is considered that the increase in height and depth will result in a material impact to the detriment of the adjoining occupants as a result of overshadowing and being overbearing.
- 10.16 There are no concerns regarding the impact of the development to properties located to the front (opposite) and there are no dwellings located to the rear beyond the boundary that would be affected by the development.

- 10.17 Taking into account the concerns outlined above, in terms of the significant increase in scale and mass in close proximity to neighbouring properties, it is considered that the development cannot be supported. The development will result in the loss of residential amenity particularly with regards to being overbearing and thereby contrary to Policy LP24 (b) of the Kirklees Local Plan and advice within the National Planning Policy Framework.

Highway safety

- 10.18 In terms of highway safety, the development would increase the amount of liveable space in the property, however there are no highway issues as the access is unaltered and the drive can still accommodate 3 car plus further space in the garage. The application therefore accords with LP21 and LP22 of the Kirklees Local Plan and advice in the National Planning Policy Framework.

Other matters: Electric Vehicle Charging Points, Biodiversity, Climate Change

- 10.19 The site does not lie in an area known to have air quality issues, nonetheless in line with local and national policy any approval for a new dwelling would include a condition for an electric vehicle charging point, to accord with guidance set out in the NPPF (paragraph nos. 105, 110 & 170) and Policy LP24 of the Local Plan. Should the application have been recommended for approval this would have been imposed as a condition.
- 10.20 At the present time given the site comprises of a well maintained domestic curtilage, it is unlikely to currently hold any biodiversity interests. Nevertheless, to accord with guidance in the NPPF, Policy LP30 of the Local Plan it would be reasonable to condition enhancement measures in the form of a bird nesting opportunities, integral to the dwelling to be installed during the construction phase should the application have been recommended for approval. This would have been in accordance with Policy LP30 of the Local Plan.
- 10.21 Climate Change: Chapter 12 of the Local Plan relates to climate change and states that: "Effective spatial planning is an important part of a successful response to climate changes as it can influence the delivery of appropriately sited green infrastructure and the emission of greenhouse gases. Planning can also help increase resilience to climate change impact through the location, mix and design of development". This is also reflected in the NPPF as a core land use planning principle. The NPPF emphasis that responding to climate change is central to the economic, social and environmental dimensions of sustainable development. This application has been assessed taking into account the requirements summarised. It would redevelop a brownfield site in a sustainable location with the new dwelling built with far higher levels of insulation than that existing. Despite this benefit this would not outweigh the harm caused to the residential and visual amenity of the area.

Representations

- 10.22 The application was publicised by site notice and neighbour notification letters, following amended plans neighbours have been notified again. Fifteen letters of representations have been received in total to the initial plans and revised scheme.

These include three letters in support from the applicant, with the remaining objections from 5 households, with three households commenting again to the revised plans

Objections:

- Height of new dwelling disproportionate to the bungalows either side
Response: Officers agree that the increase in scale and mass would not enhance the character of the area.
- Overshadowing
Response: Officers consider that the development would result in a significant increase in mass that would potentially overshadow neighbouring occupants.
- Loss of light/ privacy from side windows and first floor balcony
Response: The matter is referred to in the report but for clarity it is considered the side windows could be conditioned to be obscurely glazed.
- Rear garage would be converted into another home.
Response: The garage has been reduced in size and shows a garage and store and has been assessed on that basis.
- De-value ad properties
Response: This is not considered to be a material planning issue
- No measurements on submitted drawings.
Response: The plans have been drawn to scale
- Damage due to construction work
Response: This is a private matter
- Loss of a bungalow
Response: This point is noted, the application is assessed on its planning merit.
- Disruption through construction vehicles
Response: Given the proposed scale of development it would not have been appropriate to impose a construction management plan had the application been recommended for approval. Nevertheless if environmental harm is caused during the construction of buildings this can be controlled under the Environmental Protection Act.

Support:

- No 341, built higher than approved set a precedent
Response: The application site has been considered on its own merit. Whilst it is recognised there are larger buildings located on Bradley Road these relate differently to the area and the development around them and as such can be afforded very limited weight to the consideration of this application.
- In balance within the street scene
Response: The scale and mass is not considered to improve the local character.

11.0 CONCLUSION

- 11.1 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 means in practice.
- 11.2 The application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development does not accord with the development plan and that the adverse impacts of the development would significantly and demonstrably outweigh its benefits with assessed policies within the NPPF taken as a whole. It is therefore recommended that the application be refused.

Background Papers:

Application web page:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f91083>

Certificate of Ownership: Certificate A completed.