
Report of the Head of Planning and Development

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 19-Mar-2020

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

APPLICANT

S Yousaf

DATE VALID

01-Apr-2019

TARGET DATE

27-May-2019

EXTENSION EXPIRY DATE

23-Mar-2020

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

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 in this report.

1.0 INTRODUCTION:

- 1.1 The application for a replacement dwelling was originally brought to Committee on the 17th December 2019 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 confirmed that Cllr Harpreet Uppal reason for making this request is valid having regard to the Councillor's Protocol for Planning Committees.
- 1.3 Members undertook a site visit on 17th December. The resolution was to defer the application to allow an opportunity for a discrepancy in the submitted plans to be rectified. The applicants have also aimed to address outstanding concerns.
- 1.4 Amended plans have been received which aim to address concerns regarding the impact of the replacement dwelling in respect of the street scene and on the amenity of neighbouring occupants.

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 and detached garage.
- 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, as now amended, is to create a new larger 2-storey dwelling that is 11m wide at the front of the property which reduces to 10.5m at the rear. The depth of the property would be 13.4m, which has been reduced by just over 2 metres when compared to the original details submitted. The plans show a two-storey projecting gable located central to the proposed building with single storey elements retained at ground floor level.
- 3.4 The accommodation would provide a kitchen breakfast, utility, family room, ground floor bathroom, living room & snug with 4 large double bedrooms, 2 with en-suites, a family bathroom.
- 3.5 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, this is unchanged by the amended plans. Access is maintained to the side of the dwelling proposed.
- 3.6 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 similar 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 concerns remained regarding the scale and mass of the dwelling. Further amendments have been received showing the balcony projection being removed in addition to a reduction in the scale of the dwelling and location of two storey rear projection being set in from both neighbouring boundaries. The agent has confirmed that land levels will remain as they are.

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

National Design Guide 2019

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The amended plans received on the 6th March 2020 have been publicised and the period for comment extended until the 16th March. Any comments received pursuant to the publication of the report will be published in the update to Members.

In response to the original details submitted, fifteen letters of representation were received. These included three letters of support from the applicant and remaining objections from 5 households. Comments to these are summarised below for completeness.

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-storey dwelling. The existing dwelling currently sits between two bungalows which have pyramid/hipped style roofs. It is recognised that within the wider area there is varied 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 previously approved 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 to reduce the impact on the neighbours either side.
- 10.6 The new application to replace the bungalow shows a similar width of dwelling but shows an increase in the depth from 8m to 13.4m. This depth is a reduction to the original plans submitted under this application and shows the first floor rear balcony removed. The two-storey projecting element to the rear has been centralised with single storey elements retained either side at ground floor level. These are set in from the boundaries with the neighbouring properties by around 0.8m to no. 347 and 3.5m to no. 343 to the side elevation of the single storey part of the dwelling, and 3m and 5.6 metres respectively to the two storey part. The total increase of the depth of dwelling, when compared to the existing bungalow is around by 5m.
- 10.7 The height of the existing bungalow is 5.63m and the eaves at 2.6m raising to varied eaves heights the minimum being 4.05m, the maximum overall height is 7.1m. The overall height is less than the approved application to extend (8 metres), however it is noted that the eaves have increased when compared to the approved plans for extension to the new dwelling.
- 10.8 In terms of design, the property has 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 also proposed in respect of the construction of the detached garage.
- 10.10 The scale, massing and design of the new dwelling, as amended, would result in a structure that would relate satisfactorily, with its neighbours and of a form, scale and layout that would respect the character of the street scene. As such the development proposals would comply with Policy LP24 a) of the Kirklees Local Plan and chapter 12 of 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. The outbuilding is shown as incidental to the dwelling. This part of the development is considered to be acceptable and would also comply with the aims of Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

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 significantly larger than existing. The proposed dwelling would be near 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. Any increase should be assessed considering the increase of scale and mass and how this impacts on any adjoining occupant.
- 10.13 The east side elevation of the replacement dwelling would be marginally increased, in terms of depth and mass, compared to the previous permission to extend the property. To reduce the impact on occupiers of the neighbouring no. 343, the building has been designed with elements of single storey accommodation at the rear, where this projects beyond the rear elevations of the adjacent nos 343 and 347. Whilst there is a two-storey projecting wing to the rear this is located centrally, and away from shared boundaries with adjacent dwellings. This is particularly important when considering the neighbouring dwelling (no. 343) is set down in comparison to the application site. The two-storey rear projecting part of the proposed building is concentrated centrally to the site allowing space to the neighbouring boundaries and thereby minimising any impact. As a consequence of the design changes, it is considered that the development would avoid any undue material impact on the neighbouring occupants at no. 343 by virtue of overshadowing and from being overbearing.
- 10.14 The development would introduce one first floor window at upper floor level in both the east and west side elevations which could result in overlooking of the neighbouring dwellings at nos. 343 & no 347, however, these relate to 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. Additional ground floor windows to the east elevation are again to non-habitable accommodation and as such could be conditioned again to be obscurely glazed. It is therefore considered that there will be no material loss of privacy to the adjoining occupants.
- 10.15 The redevelopment of the bungalow increases the scale and mass when viewed from the west. The footprint appears to be generally in line with that of the existing neighbouring dwelling at no. 347 and the main mass of the proposal is concentrated to the centre of the site including the projecting part of the rear elevation. The amended design reduces the scale and mass when compared to this neighbouring property; which is set at a higher level than the application site and taking account of the separation between the two dwellings. It is considered the revised scheme would avoid undue material impact to the occupants of no. 347 as a result of overshadowing or 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. The window proposed at first floor level serves the staircase with those at ground floor being secondary to a family room. Subject to screen fencing at ground floor level, the positioning of windows will not result in any loss of privacy to the adjoining occupants.
- 10.17 To conclude, the amended plans have overcome concerns previously raised and, it is considered, on balance, that the development is recommended to be supported. As the scale and mass is significant and being in close proximity to neighbour land and buildings, it is considered that any further development of the site would likely result in harm. As such it is recommended that permitted development rights for extensions, outbuildings and further windows within the side elevations should be removed. Subject to the imposition of conditions, the development would comply with 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 utilise the existing access point to Bradley Road. There is ample space within the application site to provide 3 car -parking spaces, plus further space in the proposed garage. The application therefore accords with Policies LP21 and LP22 of the Kirklees Local Plan.

Other matters:

- 10.19 *Electric Vehicle Charging Points* - In line with local and national policy any approval for a new dwelling should include a condition for an electric vehicle charging point. This is to support low-emission vehicles and in the interests of air quality. This would accord with guidance set out in the NPPF (paragraph nos. 105, 110 & 170) and Policy LP24 of the Local Plan.
- 10.20 *Biodiversity* - At the present time, given the site comprises of a well maintained domestic curtilage, it is unlikely to hold any biodiversity interests. Nevertheless, to accord with guidance in the NPPF and Policy LP30 of the Kirklees Local Plan it would be reasonable to condition enhancement measures in the form of bird nesting opportunities, integral to the dwelling to be installed during the construction phase.
- 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.

- 10.22 The proposal would redevelop a brownfield site in a sustainable location with the new dwelling built with far higher levels of insulation than that existing property. The dwelling includes large glazed openings to the southern elevation serving habitable rooms. This would provide good levels of natural light so reducing the use of artificial lighting. In addition, the glazing would provide passive solar gain which would reduce the energy requirements of the property.

Representations

- 10.23 The amended plans received on the 6th March 2020 have been re-publicised and period for comment extended to the 16th March. Any comments will be included in the update.

Comments received to this point for the original plans and amendments to this point are summarised below.

Objections:

- Height of new dwelling disproportionate to the bungalows either side
Response: Officers agree that the increase in scale and mass originally shown would not enhance the character of the area. The amended plans have overcome these concerns.
- Overshadowing
Response: Officers consider that the development originally proposed would result in a significant increase in mass that would potentially overshadow neighbouring occupants. The amended plans have overcome these concerns.
- 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. The balcony has been removed from the amended plans
- 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 is not considered appropriate to impose a construction management plan. 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, as amended, is considered to relate acceptably to the wider street scene.

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 constitutes the Government's view of what sustainable development means in practice.

11.2 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

12.0 CONDITIONS:

1. Development to commence within 3 years
2. Development to be undertaken in accordance with the approved plans and specifications
3. Details of screen fencing to side boundaries to be submitted for approval
4. Windows in the side elevations of the dwelling to be obscurely glazed
5. Removal of permitted development rights for extensions, including within the roof, and outbuildings
6. Biodiversity enhancement during construction phase: bird nesting opportunities
7. Provision of electric vehicle charging point within the site
8. Details of walling and roofing materials to be submitted for approval
9. Removal of permitted development rights for additional windows/openings in the side elevations of the dwelling

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.