

# Report of the Strategic Director of Place to the meeting of the Area Planning Panel (BRADFORD) to be held on 27 October 2021

**E**

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## Summary Statement - Part One

### Applications recommended for Approval or Refusal

The sites concerned are:

<u>Item</u>	<u>Site</u>	<u>Ward</u>
A	4 Leventhorpe Avenue Bradford BD8 0ED - 21/03256/HOU [Approve]	<b>Clayton And Fairweather Green</b>
B	43 Acre Drive Bradford BD2 2LS - 21/03589/HOU [Approve]	<b>Eccleshill</b>
C	66 Leafield Avenue Bradford BD2 3SF - 21/03808/HOU [Approve]	<b>Eccleshill</b>
D	81 Hollybank Road Bradford BD7 4QL - 21/04125/HOU [Approve]	<b>Great Horton</b>
E	Land East Of 5 Hugill Street Thornton Bradford - 21/04322/FUL [Approve]	<b>Thornton And Allerton</b>
F	St Marks Old Vicarage Park Bottom Bradford BD12 0UA - 21/02887/FUL [Approve]	<b>Royds</b>
G	1 Brisbane Avenue Bradford BD2 1EH - 21/03753/HOU [Refuse]	<b>Bolton And Undercliffe</b>

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Julian Jackson  
Assistant Director (Planning, Transportation and Highways)

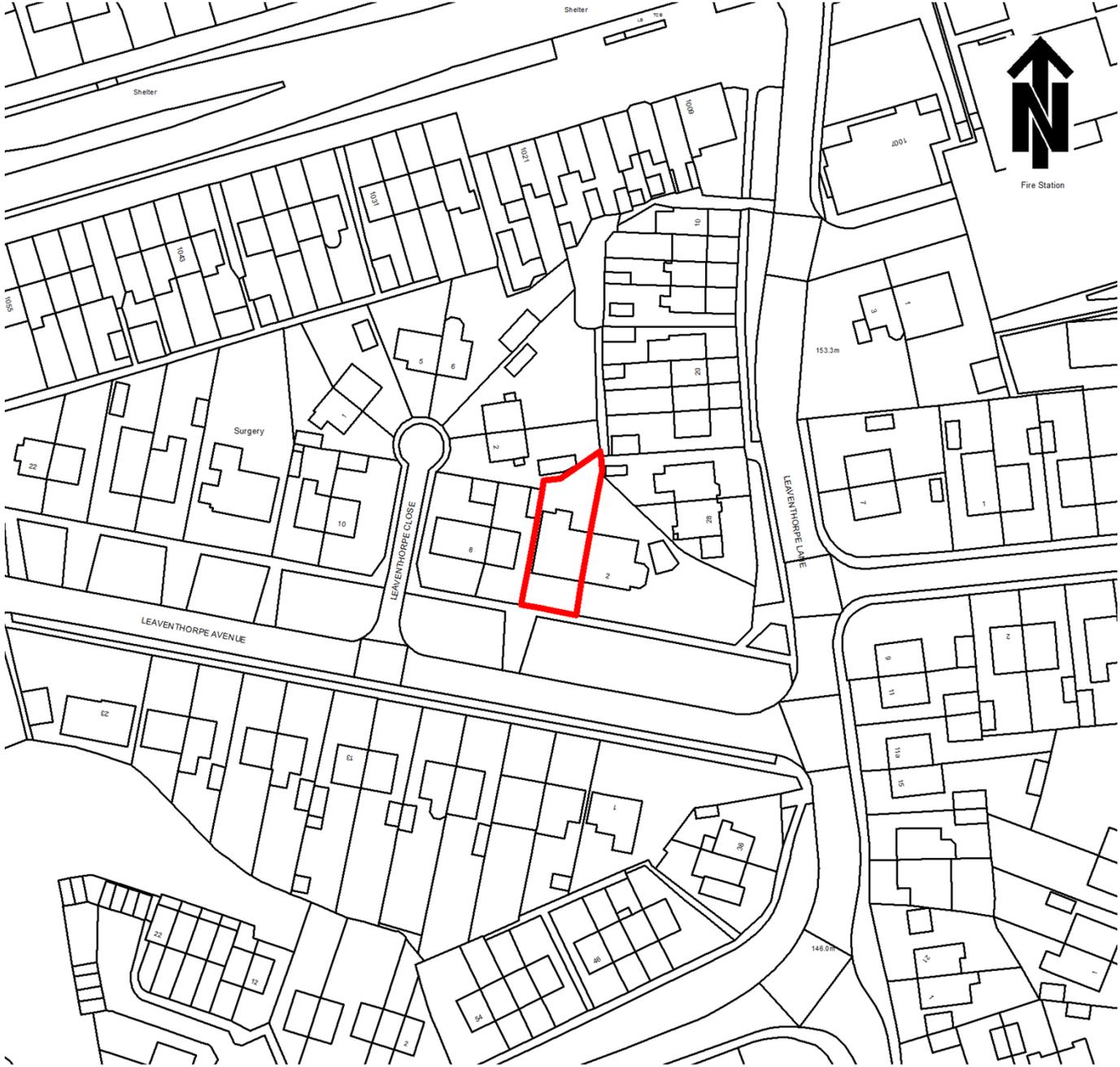
Report Contact: Mohammed Yousuf  
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**Portfolio:**  
Regeneration, Planning & Transport

**Overview & Scrutiny Committee Area:**  
Regeneration and Environment

21/03256/HOU



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**4 Leventhorpe Avenue  
Bradford  
BD8 0ED**

**27 October 2021**

**Item: A**  
**Ward: CLAYTON**

**Recommendation:**  
**TO DELEGATE AUTHORITY TO THE STRATEGIC DIRECTOR OF PLACE TO GRANT PLANNING PERMISSION ON EXPIRY OF THE PUBLICITY PERIOD**

**Application Number:**  
21/03256/HOU

**Type of Application/Proposal and Address:**  
This is householder planning application for a hip to gable extension with front and rear dormer windows plus single storey rear extension (Partly retrospective) at 4 Leaventhorpe Avenue, Thornton.

**Applicant:**  
Mr Arif

**Agent:**  
Mr Paul Manogue

**Site Description:**  
The property is a semi-detached bungalow situated in a residential area. The area consists mainly of semi-detached and detached dwellings. The property sits in a setback, elevated position from the highway and has extant alterations/extensions.

**Relevant Site History:**  
18/05268/HOU - Front and rear dormers and single storey rear extension – Granted  
07.02.2019

20/04185/HOU - Hip to gable extension with front dormer plus single storey rear extension.  
(Retrospective) – Refused 11.11.2020

21/00007/APPHOU-01.03.2021-Hip to gable extension with front dormer plus single storey rear extension. (Retrospective)

**The National Planning Policy Framework (NPPF):**

The NPPF is a material planning consideration on any development proposal. The NPPF highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development, which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;

- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the NPPF suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

**Local Plan for Bradford:**

The Core Strategy for Bradford was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents.

**Core Strategy Policies**

DS1 - Achieving Good Design  
DS3 - Urban character  
DS5 - Safe and Inclusive Places  
SC9 - Making Great Places

**Parish Council:**

Not in a Parish.

**Publicity and Number of Representations:**

The application was publicised with neighbour notification letters. The initial period of publicity expired on 21 July 2021. This attracted 16 objections and 18 support comments.

The description of the proposal was changed to more accurately reflect the proposed development and the application was re-publicised with further neighbour notification letters. This period of publicity will end after the date of the panel meeting. Members will be verbally updated of any additional comments received after report preparation.

**Summary of Representations Received:**

**Objection-**

Impact on immediate boundary  
Re-submissions should be refused  
Appeal has already been dismissed  
Poorly built extension  
Grass looked better in the front garden  
Please ensure remedial works are carried out.  
Dormers are oversized  
Black cladding is not matching materials  
Visual amenity is impacted  
Is the car park compliant with regulations?  
Please bring back the trees

### **Support-**

Extension looks modern and neat  
High quality work  
Doesn't affect anything around the property  
No objection to amendments  
Doesn't affect the garden  
We are all part of an ecosystem that should be protected  
Objection comments are personal  
Objection comments are fake accounts

### **Consultations:**

None.

### **Summary of Main Issues:**

1. Site Background
2. Principle of Development
3. Visual Amenity
4. Residential Amenity
5. Highways

### **Appraisal:**

#### **1. Site Background:**

This is an application for amendments to an existing single storey rear extension. An application was approved on this site in 2019 as part of application no. 18/05268/HOU for front and rear dormer windows and single storey rear extension, however, the extension was not built in accordance to the approved plans.

Following this, a retrospective application for the works as existing were refused as part of application no. 20/04185/HOU and then an appeal dismissed as part of appeal no. 21/00007/APPHOU. The Inspector found that the rear extension would not comply with policy, resulting in adverse residential impact on the adjoining dwelling and hence, the appeal was dismissed in its totality. The inspector did not object to the front and rear dormer windows or the hip-to-gable conversion.

The Inspector mentioned 'The use of cladding on the dormer windows does not appear excessive and overall, they remain in proportion with the front roof slope and well aligned with the windows below on the main front elevation of the dwelling' and concluded that 'Despite finding no harm in relation to the character and appearance of the area I have identified significant harm to the living conditions of the occupiers of No.2. The appeal should therefore be dismissed'.

This proposal includes the same front and rear dormers and hip to gable conversion as part of the previous application. However, there are some alterations to the single storey rear element in order to overcome the residential impact that was established on the previous application.

## **2. Principle of Development**

The site is not allocated for any specific land-use by the Replacement Unitary Development and there are no planning constraints which would seek to resist development at the given site. The proposal is for a domestic extension within the curtilage of a dwelling-house that is not a listed building and nor within a conservation area.

There are no considerations that would constitute inappropriate development on this site and therefore the principle of householder development on the site would be acceptable.

## **3. Visual Amenity**

This application relates to changes to the rear extension as built. The dormer windows were subject to an appeal (21/00007/APPHOU) in which the Inspector found that there would be no significant harm to visual amenity. Although this type of development would be considered to be contrary to the Householder SPD, the Inspector makes clear that the form, scale and setback of the front dormers and hip to gable proposal would not result in visual harm to the host dwelling and street scene.

The rear dormer window is larger than that allowed by the Householder SPD however it is of a size which could be constructed under permitted development rights granted to householders. However, although the materials used were again contrary to policy, the Inspector found that the rear dormer proposal would not be visible from the street scene and would not have any significant impact on the wider street scene.

The rear extension was approved to be partly built to cover the rear dormer on application 18/05268/HOU, therefore the single storey rear element would be similar in nature as the previous approval and poses no threat to visual amenity.

For this reason, the proposal is deemed to be acceptable in terms of its visual impact on the surrounding area. Therefore, this report will now consider the alterations shown to the rear extension.

The single storey extension is built to the rear of the dwelling. It would retain walling and roof materials to match the host dwelling. It is proposed to remain at 3.65 metres deep for the most part, with the exception of the flat roof area and splayed wall.

Although this type of flat roof, splayed wall design can appear to be out of keeping with the host dwelling, the extension would be positioned to the rear of the dwelling and would have limited if any visibility from the surrounding streets. Therefore, although the extension does not merge well with the existing roof line and the host dwelling, the impact on the surrounding area and streetscape would be negligible in this case.

Therefore, the resultant visual impact would be minimal as the alterations to the existing development at the rear would not appear to be prominent or incongruous within the street scape.

The proposed development is therefore considered to be compliant with Policies SC9, DS1 and DS3 of the Core Strategy Development Plan Document and the National Planning Policy Framework. Therefore, the proposal would not result in significant visual harm.

#### **4. Residential Amenity**

The single storey is currently built off the back of the rear dormer and protrudes some 3.65 metres from the original rear wall of the property. The existing elevation drawings show that the roof overhangs the extension and that the wall and roof have a 45-degree splay. The roof line of the rear extension is shown to protrude 3.65 metres from the rear elevation of the property at a height of 3.6m sloping down to an eaves height of 2.8 metres. The existing plans show that the splay would begin from 3 metres projection and 150mm from the adjoining boundary.

The proposed alterations will involve removing part of the roof to create a flat roof that would move the taller roof structure 1.15 metres from the common boundary. The splayed wall would be at a 45-degree angle from the point that the extension reaches 3 metres deep, and would project to the maximum depth of the extension. The splayed wall creates a 650mm inset from the common boundary. The height of the extension would be reduced by 0.9 metres on the common boundary from 3.5 metres to a maximum height of 2.6 metres high. The pitched element of this roof would be removed and positioned further along the roof inset from the common boundary.

This alteration significantly alleviates the impact on the garden area and habitable room window of the adjoining dwelling. The revised roof design also removes the 'overhang' area that was previously causing adverse impact.

Permitted development rights exist for 3 metres deep single storey extensions with a maximum height of 4 metres and an eaves height of 3 metres. The height and depth of the extension alongside the boundary with 2 Leventhorpe Avenue is now considered to be reduced to a level that overcomes the harm that was previously identified. The extension as proposed now would have a similar impact on the amenities of this property as an extension that could have potentially been constructed under permitted development rights granted to householders.

As a consequence, the proposal is now no longer considered to be harmful to the amenities of the adjacent neighbour and is therefore considered to comply with policy DS5 of the Core Strategy and the Householder SPD.

#### **5. Highways Safety**

It is not foreseen that this proposal would result in harm to public, parking or highway safety. There would be provision of off street parking as existing.

#### **Community Safety Implications:**

None foreseen.

#### **Equality Act 2010, Section 149:**

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. The issues with regard thereto are noted above in relation to this application but do not raise any matters that would outweigh the material planning considerations.

**Reason for Granting Planning Permission:**

The proposal previously raised some concerns regarding impact on visual and residential amenity. The proposals are now acceptable due to the significant decreasing in roof height and massing in close proximity to the adjoining neighbour. The proposal complies with policies DS1, DS3 and DS5 of the Core Strategy Development Plan Document and the adopted Householder Supplementary Planning Document.

**Conditions of Approval:**

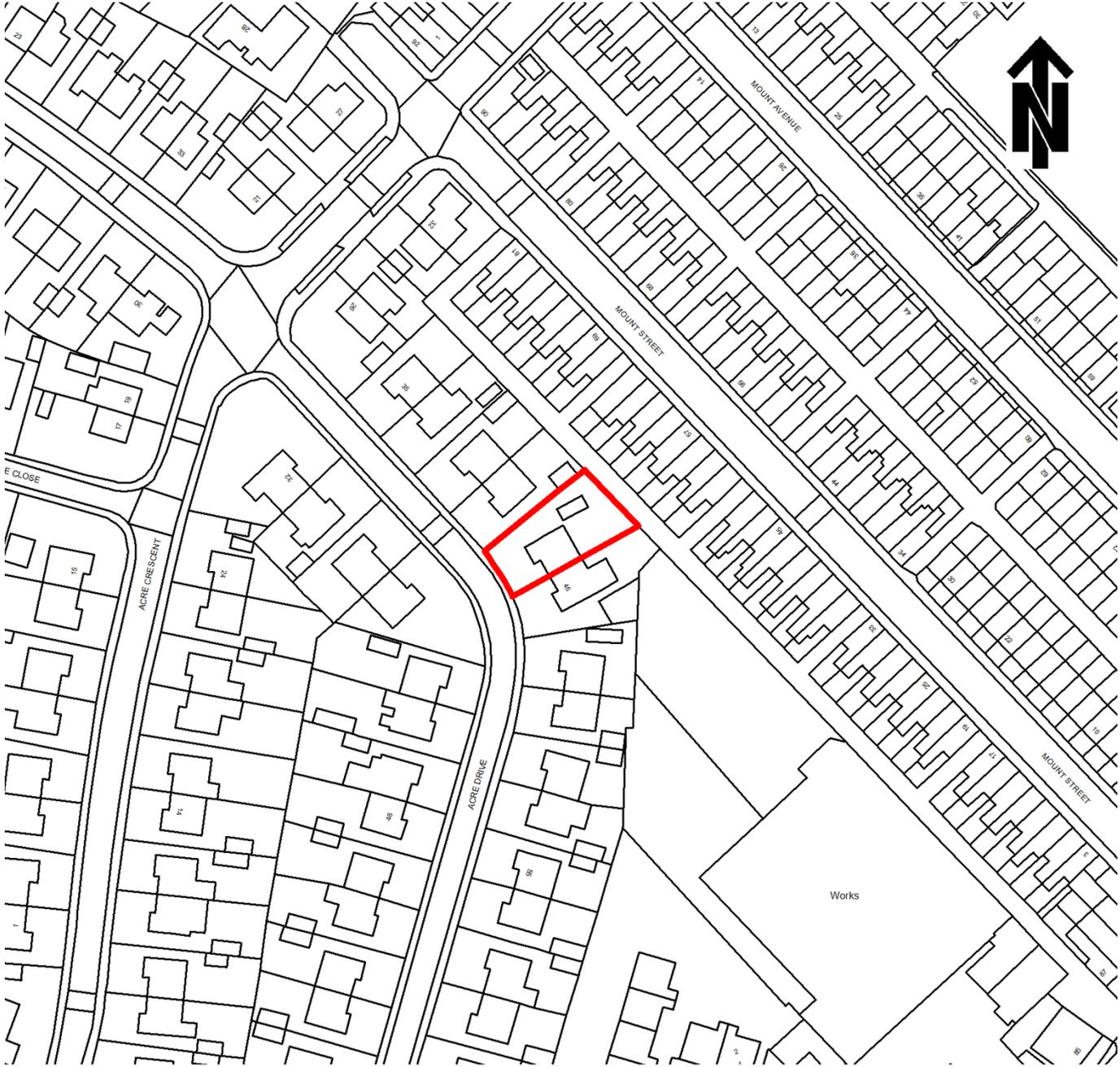
1. The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. The development hereby permitted shall be constructed using external facing and roofing materials to match the existing building as is specified on the submitted application.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies DS1 and DS3 of the Core Strategy Development Plan Document.

**21/03589/HOU**



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**43 Acre Drive  
Bradford  
BD2 2LS**

**27 October 2021**

**Item: B**  
**Ward: ECCLESHILL**  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
21/03589/HOU

**Type of Application/Proposal and Address:**  
Single storey side and rear extension, hip to gable extension with front and rear dormer windows at 43 Acre Drive, Bradford.

**Applicant:**  
Mr Akhtar Khan

**Agent:**  
Khawaja Planning Services

**Site Description:**  
The application site, 43 Acre Drive, is a semi-detached bungalow along the north side of the cul-de-sac along a bend in the road. The house comprises of render walling and concrete tiling on the roofing. The house has a hipped roof and is characterised by a projecting gable house feature. The scale, design and use of materials is a shared feature with the vast majority of the houses along Acre Drive.

**Relevant Site History:**  
No planning history.

**The National Planning Policy Framework (NPPF):**  
The NPPF is a material planning consideration on any development proposal. The NPPF highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development, which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the NPPF suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

**Local Plan for Bradford:**

The Core Strategy for Bradford was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is unallocated within the RUDP. Accordingly, the following adopted Core Strategy policies are applicable to this proposal.

**Core Strategy Policies**

DS1 – Achieving good design  
DS3 – Urban character  
TR2 – Parking Policy  
DS5 - Safe and Inclusive Places

Householder Supplementary Planning Document

**Parish Council:**

Not applicable.

**Publicity and Number of Representations:**

The Application was publicised by way of neighbour notification letters. Officers have discussed the application with the Planning Agent and revised plans have been submitted which have taken on board many of the issues raised. The application has not been re-advertised since the changes do not introduce further material increase to the scheme originally advertised.

This application has drawn:

- 29 representations expressing objections (including one from Member of Parliament).
- 6 representations expressing support

For brevity the representations are summarised below:

**Summary of Representations Received:**

**Summary of Objections Received:**

- Roof, dormer, side and rear extension at odds with prevailing character of locality. Incongruous design. Eyesore. Unacceptable visual impact harming character of area.
- Front parking unattractive
- Overbearing, oppressive and intrusive. Loss of light. Exacerbated by being higher up on the hill.
- Overlooking onto neighbour's garden
- Extensions out of scale with increase from 3 to 5 bedrooms
- House need to remain as a bungalow for elderly.
- Internal ratio of bedrooms and living space is out of ratio
- Lack and reducing of parking would lead to on-street parking resulting in footway being blocked by vehicles. Issues for emergency and service vehicles. Congestion on narrow road along a bend. Road safety issues for pedestrians particularly those with mobility issues.
- Noise nuisance
- Affect house values

- Set a precedence
- Impact neighbour's boundary walling
- Impact during construction
- Uniform rates payment would be unfair for extended house
- Lack of publicity

### **Summary of Support Received:**

- Loss of sunlight not an issue
- All houses across street overlook each other
- Dormer will not take away aesthetic of the street. Proposal will not look out of place.
- Not witnessed problems with parking. Parking issues will remain with or without extension. Off-street parking spaces will remain.
- Right to improve house. Extension within guidelines
- Similar extension granted elsewhere in Bradford
- Gable maintenance

### **Consultations:**

Not applicable.

### **Summary of Main Issues:**

1. Proposal
2. Impact on the Local Environment
3. Impact on Neighbours
4. Impact upon highway safety
5. Other Issues Raised in Representations

### **Appraisal:**

#### **1. Proposal**

The application relates to front dormer and a side extension extending to the rear across the full width of the house. The application also involves a rear dormer and converting the existing hipped roof to a gable roof, however, these elements have the benefit of being permitted development where planning permission is not required and as such is not considered further in this report.

#### **2. Impact on the Local Environment**

##### **SIDE EXTENSION**

A subordinate approach is taken in extending the application house as set out in page 10/11 of the Councils Householder SPD. All the criteria set out in Design Principle are met: the extension is set back at least 1m from the front existing gabled face of the walling of the host dwelling, with a corresponding lowering of the roofline and a minimum of 1m to the adjacent boundary is achieved in order to prevent a cramped relationship where the width of the extension is less 2/3 width of the host premises. The use of materials would match the host premises. This subservient approach is acceptable to semi-detached properties under Design Principle 1 of the Householder SPD.

## REAR EXTENSION

The depth of this extension is 3m and is considered to be acceptable with the character, scale and design of the existing dwelling and the street scene. The roof is flat which is not ideal however the lantern feature on the roof provides visual interest and reduces the overbearing impact upon neighbouring residents. Furthermore, it is located along the rear elevation of the host dwelling limiting this to a relatively inconspicuous position. The materials would match the host dwelling house therefore complies with the Design principles 1 and 4 of the Councils approved Householder SPD and Policy DS1 and DS3 of the Councils Core Strategy.

## FRONT DORMER

Page 24 of the Householder SPD states "The roofline of a building is one of its most important features and it is vital that any roof extensions or alterations are carefully considered." The front dormer is 3m in width and the size of the property is such that the dormer window can be accommodated without appearing dominant on this roof and the cladding is limited to the dormer cheeks. At least 0.75m is achieved to the respect boundaries boundary and new gable. The proposed front dormer is in compliance with Design Principles 1, 4 and 6 of the Approved Householder SPD and Policy DS1 and DS3 of the Council's Core Strategy.

### **3. Impact on Neighbours**

The rear extension of 3m depth, immediately adjacent to the boundary of 45 Acre Drive, is of a scale which is acceptable under Design Principle 3 of the Council's approved Householder SPD. The impact upon 41 Acre Drive is less due to the detached juxtaposition.

In terms of overlooking the proposal is considered acceptable towards the east (rear) and west (front) due to the distances with respect to the facing neighbouring houses. The front dormer is slightly set back from the eaves making it further away than the existing front windows facing across the houses opposite across Acre Drive. The side windows facing 41 Acre Drive are shown to be obscurely glazed. The proposals are not considered to have any significant negative impact on the occupants of neighbouring dwellings.

The proposed complies with Design principles 2 and 3 of the Council's approved Householder SPD and policy DS5 of the Council's Core Strategy.

### **4. Impact on Highway Safety**

The Applicant's Agent has submitted a drawing demonstrating there would be provisions for 2 off-street parking spaces within the hard standing areas after the completion of the scheme. For new houses, on average, the Councils parking standards require provisions for 1.5 off-street spaces as set out in Appendix 4 of the Councils Core Strategy. It is not considered as a result of the proposed domestic extension, circumstances would arise that would be detrimental to highway safety.

### **5. Other Issues Raised in Representations**

Roof, dormer, side and rear extension at odds with prevailing character of locality. Incongruous design. Eyesore. Unacceptable visual impact harming character of area.

*Response: These issues have been examined within the body of the report.*

Overbearing, oppressive and intrusive. Loss of light. Exacerbated by being higher up on the hill.

*Response: As detailed in the body of the report the application complies with Design principle 3 which sets out the criteria of whether a proposal would have a dominating physical presence that damages the outlook for neighbours.*

Front parking unattractive.

*Response: Can be carried out under scope of permitted development.*

Overlooking onto neighbour's garden.

*Response: Policy DS5 requires in general terms that proposals should not harm the amenity of existing or prospective users and residents. The detail in assessing residential amenities is specified under Design Principle 2 and 3 and as demonstrated in the body of the report the application complies with these policies.*

Extensions out of scale with increase from 3 to 5 bedrooms.

*Response: A subordinate approach is taken in extending the application house as set out in the Householder SPD where the relevant criteria set out in Design Principles are met.*

House need to remain as a bungalow for elderly.

*Response: The proposals does not preclude the house being used by the elderly.*

Internal ratio of bedrooms and living space is out of ratio.

*Response: The application is put forward to meet the Applicant's requirements.*

Lack and reducing of parking would lead to on-street parking resulting in footway being blocked by vehicles. Issues for emergency and service vehicles. Congestion on narrow road along a bend. Road safety issues for pedestrians particularly those with mobility issues.

*Response: As detailed in the body of the report the off-street parking spaces are sufficient to comply with policy. Creating obstacles on the highway is against the highway code.*

Noise nuisance.

*Response: A residential use within a residential setting is acceptable.*

Affect house values. Uniform rates payment would be unfair for extended house.

*Response: Not a material planning consideration.*

Set a precedent.

*Response: each application is considered on individual merits.*

Impact neighbour's boundary walling.

*Response: It is a civil matter should Applicant cause damage to neighbouring property.*

Impact during construction.

*Response: It is inevitable construction work would cause an element of disruption however this is for a limited time period.*

Lack of publicity.

*Response: The application was advertised in line with Government guidance.*

Loss of sunlight not an issue.

*Response: The application complies with Design principle 3.*

Dormer will not take away aesthetic of the street. Proposal will not look out of place.

*Response: The front dormer is in compliance with Design Principles 1, 4 and 6 of the Approved Householder SPD.*

Not witnessed problems with parking. Parking issues will remain with or without extension. Off-street parking spaces will remain.

*Response: As detailed in the body of the report the off-street parking spaces shown on the submitted plans are sufficient to comply with policy.*

Right to improve house. Extension within guidelines.

*Response: It is concluded the application complies with the relevant policies.*

Similar extension granted elsewhere in Bradford.

*Response: Very little weight is given to this as each application is considered on its individual merits.*

Gable maintenance

*Response: Applicant's responsibility.*

### **Community Safety Implications:**

There are no apparent community safety implications.

### **Equality Act 2010, Section 149:**

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. It is not however considered that that any issues with regard thereto are raised in relation to consideration of this application.

### **Reason for Granting Planning Permission:**

The proposal is not considered to be harmful to residential amenity, visual amenity or highway safety and is therefore considered to comply with policies DS1, DS3 and DS5 of the Council's Core Strategy Development Plan Document and the Councils Householder SPD.

### **Conditions of Approval:**

1. The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. The extensions hereby approved shall be constructed of facing and roofing materials to match the host building as specified on the submitted application.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies DS1 and DS3 of the Council's Core Strategy Development Plan Document.

3. The materials for the parking hardstanding areas shall be of a porous nature to allow water percolation for drainage as shown on the approved plans.

Reason: To reduce surface water run-off from the development and in the interests of sustainable drainage, and to comply with Policy EN7 of the Council's Core Strategy Development Plan Document.

**27 October 2021**

**Item: C**  
**Ward: ECCLESHILL**  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
21/03808/HOU

**Type of Application/Proposal and Address:**

This is a householder application for the construction of first floor rear extension, single storey side extension, front and rear dormer windows, hip to gable roof conversion and removal of chimney stack at 66 Leafield Avenue, Bradford, BD2 3SF

**Applicant:**

Mr Mohammed Khan

**Agent:**

Mr Irfan Iqbal

**Site Description:**

The application dwelling is a semi-detached pebble dash rendered property with natural stone facing detail at ground floor level, under a roman tile hipped roof with white UPVC window fittings. The dwelling benefits from a small front garden with driveway to the side leading to a sizeable rear garden and attached garage. The surrounding area is residential in nature featuring predominantly semi-detached properties of the same age with similar appearance and design.

**Relevant Site History:**

20/00996/PNH - Construction of single storey rear extension of the following dimensions: Depth 6m, Height 4m, Eaves 3m – Prior approval not required 17.04.2020

20/01594/HOU - Two storey side and rear extension with dormer to front. Hip to gable and rear dormer under permitted development. – Refused 26.06.2020

20/03095/HOU- Two storey side and rear extension and front dormer. Hip to gable and rear dormer under permitted development. - Refused 18.09.2020

20/04663/HOU - Part two storey and part single storey side and rear extension and front dormer. Permitted development hip to gable roof extension and rear dormer. - Refused 18.11.2020

**The National Planning Policy Framework (NPPF):**

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- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the NPPF suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

**Local Plan for Bradford:**

The Core Strategy for Bradford was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is not allocated for any specific land-use in the RUDP. Accordingly, the above adopted Core Strategy and saved RUDP policies are applicable to this proposal.

**Core Strategy Policies**

DS1 Achieving Good Design  
DS3 Urban Character  
DS4 Streets and Movement  
DS5 Safe and Inclusive Places  
TR2 Parking Policy

**Other Relevant Legislation**

Householder Supplementary Planning Document

**Parish Council:**

Not applicable.

**Publicity and Number of Representations:**

The application has been publicised with individual neighbour notification letters. The publicity period expired on 29 August 2021. The application has received a total of 24 representations: 1 general comment and 23 objections.

**Summary of Representations Received:**

- Traffic and parking issues
- Children and pedestrian safety
- Eyesore
- Not in keeping/out of character with area
- Too big
- Intrusive
- Sets precedent
- Works started before planning permission granted
- Overlooking

- Overshadowing
- Unpleasant views
- Excessive
- Imposing
- Loss of privacy
- Safety concerns for scaffolding and building works

**Consultations:**

No consultations sought.

**Summary of Main Issues:**

1. Principle
2. Visual Amenity
3. Residential Amenity
4. Highway Safety
5. Other Issues

**Appraisal:**

During the course of the application amended plans have been received altering the scheme to remove the two storey side extension and attached garage store at ground floor level.

It is noted that on the plans that a 6metre single storey rear extension is to be constructed. This extension forms part of a separate application scheme under the Householder Prior Notification for Single Storey Rear Extensions, which was determined by the Local Planning Authority 'Prior Approval Not Required' (20/00996/PNH). Development works for this extension have commenced on site and the extension has been constructed up to eaves height. As such, the impact of this development is not required to be assessed further in this appraisal.

**1. Principle**

The proposal is for a domestic extension within the curtilage of a dwelling-house that is neither a listed building nor within a conservation area and so is not statutorily protected from such works. Permitted development rights have not been removed from the property. The principle of development is therefore acceptable subject to the local impacts

**2. Visual amenity**

The proposed first floor rear extension will be constructed in roofing and facing materials to match the host dwelling. The extension is designed with a stepped approach with a depth of 1.2metres out to 3metres from the original rear wall, resulting in a flat roof and dual pitched roof. The use of a flat roof at first floor level is not generally acceptable and so will result in a rear elevation that is somewhat awkward, however being located on the rear elevation that is not visible from the street scene, the visual impact is not considered sufficiently detrimental to the character and appearance of the host dwelling to warrant a refusal, despite the irregularity.

The single storey side extension is of a size and design that could be constructed under permitted development, however it does also comply with the design principles of the Householder SPD in terms of its design, scale and massing. The resulting extension is not considered harmful to the character and appearance of the host dwelling or street scene setting.

The front dormer window is box style with a flat roof and is of an appropriate 3m width. It is set back from the eaves, below the ridge and maintains the required distance from the common boundary. Cladding to the dormer cheeks will match the materials of the host dwelling. The proposed dormer complies with design policy guidance of the Council's Householder SPD.

In view of the considerable representations received, it is worth noting that whilst the development may not have commenced yet, there is another property in the immediate vicinity of the application site that has received permission for a similar scheme. This in itself is not a reason to grant approval for this proposal, but as the proposed dormer complies with design guidance, the introduction of the dormer on the roof plane of the host dwelling is not considered a discordant or disproportionate feature that is harmful to the character of the host dwelling or that of the present street scene sufficient to justify a refusal.

The proposed hip to gable conversion will result in visual imbalance to the pair of semis, thereby a degree of visual harm to the street scene, however as a material consideration, the hip to gable could be constructed under permitted development rights granted to householders under Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), 'additions etc. to the roof of a dwellinghouse. With this in mind, the cubic content of the resulting roof space appears to be within the tolerances of these permitted development rights and so whilst there is imbalance of the pair of semis, refusal of the proposal is not considered to be justified.

Similarly, the rear dormer owing to its size and design does not comply with design guidance detailed within the Householder SPD, but does comply with the limitations and conditions of the above order in that the dormer is set down from the ridge and set back from the eaves. The plans indicate that the materials will match the roofing materials of the host dwelling. Although, the local planning authority has no control over development works constructed under permitted development, the proposed rear dormer would not be visible within the public realm, therefore is not considered harmful to the character of the host dwelling and the street scene.

The host dwelling is not of any remarkable architectural interest and character, and is not a designated heritage asset, therefore the removal of the chimney stack is considered to have a negligible impact on the character and appearance of this semi-detached dwelling.

The proposal therefore satisfies policies DS1 and DS3 of the Core Strategy DPD and Householder SPD.

### **3. Residential amenity**

The proposed first floor rear extension achieves in excess of 18 metres separation distance to the rear boundary in which adjoins the boundaries of No 8 and 14 Leafield Drive. This separation distance is considered more than acceptable to have no impact on residential amenity in terms of direct overlooking or loss of privacy of habitable room windows and private amenity space as recommended by the Householder SPD, which sets the minimum requirements at 7metres to the boundary and 17metres to habitable room windows.

There are no concerns for the amenities of the adjacent neighbouring property at No 64 Leafield Avenue with regards to overshadowing or overbearing impact on outlook, as the building line of the proposed first floor extension is similar to that of the adjacent properties own two storey projection. There are no concerns for overlooking or loss of privacy at close quarters, with no habitable room windows proposed in the side elevation of the first floor rear extension that look out onto the neighbour's private amenity space or habitable room windows.

The proposed plans indicate the first floor rear extension will not project beyond a 45-degree angle, as required by the Householder SPD, taken from the nearest habitable room window in the rear elevation of the adjoining No 68 Leafield Avenue, thereby will not result in overshadowing or have an overbearing impact on outlook. Similarly, there are no concerns for loss of privacy or direct overlooking of the adjoining neighbour's private amenity space with windows looking out into the private amenity space of the host dwelling in the same way as the existing first floor windows.

The siting of the single storey side extension will have no impact on the amenities of neighbouring occupants.

The proposed front dormer window is not considered to result in direct overlooking of neighbouring habitable room windows or private amenity space above and beyond the existing first floor windows of the host dwelling.

As noted above, the LPA has no control over the resulting impact of the permitted development rear dormer window. Nonetheless, it is considered the rear dormer window poses no significant threat to the amenity of neighbouring occupants in terms of overlooking and loss of privacy above and beyond the existing first floor windows of the host dwelling.

The proposal is therefore considered to accord with policy DS5 of the Core Strategy DPD and the Householder SPD.

#### 4. Highway safety

The proposed site plan identifies that off street parking facilities for two vehicles can be accommodated within the private curtilage of the dwelling and do not encroach onto public footpaths or overhang the highway. This will have no impact on the free flow of traffic or pedestrian movements.

The representations received regarding parking, traffic and safety issues for children playing and pedestrians are noted however, the proposal does comply with planning policies of the Core Strategy whereby 1.5 off street parking spaces are required per dwelling. As the proposal provides 2 spaces, refusal of the application on the basis of perceived parking, traffic and safety issues is not justified.

For that reason, the proposal is not considered to have any adverse impact on highway safety and accords with policies TR2 and DS4 of the Core Strategy DPD and Householder SPD.

## **5. Other issues**

All 24 representations have been reviewed and summarised accordingly in the appraisal. Where the representations constitute material planning considerations, they have been addressed in the appraisal above.

Outstanding matters of representations such as 'eyesore', 'too big', 'excessive' 'imposing' are personal views and planning applications cannot be determined on these grounds.

Other matters such as safety of the development works and quality of workmanship do not fall within the remit of planning and are covered separately by building regulations and other departments such as Health and Safety Executive.

It is also noted from the representations received that development works are being carried out by the applicant before planning permission is granted. Applicants are advised that carrying out works on site is done so at their own risk. Any breach of planning control is for the investigation of the planning enforcement team. Notwithstanding, there are elements of works that can be carried out under permitted development rights granted to householders. The Local Planning Authority has no control over the resulting works carried out under permitted development, on the provision that permitted development rights remain intact and the works comply with the limitations and conditions of The Town and Country Planning (General Permitted Development) (England) Order 2015.

### **Community Safety Implications:**

There are no apparent community safety implications.

### **Equality Act 2010, Section 149:**

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

### **Reason for Granting Planning Permission:**

The proposed development has received extensive representations concerning visual amenity, residential amenity and safety. The proposed development has been assessed on its planning merits in accordance with the current national and local planning policies and guidance. On balance, the development is considered acceptable and satisfies the relevant policies of the Core Strategy Development Plan Document and the Householder Supplementary Planning Document.

### **Conditions of Approval:**

1. The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).

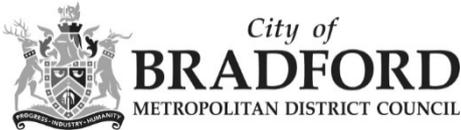
2. The development hereby permitted shall be constructed using external facing and roofing materials to match the existing building as is specified on the submitted application.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies DS1 and DS3 of the Core Strategy Development Plan Document.

3. The sides of the front and rear dormer windows and the non-glazed sections of the face of the rear dormer window hereby approved shall be clad using vertically hung slates of similar colour and finish to the existing roof slates.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies DS1 of DS3 of the Core Strategy Development Plan Document.

**21/04125/HOU**



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**81 Hollybank Road  
Bradford  
BD7 4QL**

**27 October 2021**

**Item: D**  
**Ward: GREAT HORTON**  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
21/04125/HOU

**Type of Application/Proposal and Address:**  
Demolition of conservatory and construction of single storey side extension and shed to rear at 81 Hollybank Road, Bradford.

**Applicant:**  
Tariq Hussain

**Agent:**  
Paul Manogue

**Site Description:**  
The application house is a large detached two-storey dwelling set in its own grounds. The surrounding area is predominantly residential consisting of a variety of properties types and ages. The front of the house faces onto Hollybank Road, the side of the house faces onto Hollybank Grove and the rear of the houses has a very shallow rear garden curtilage and faces onto the frontage of No 2 Hollybank Grove.

**Relevant Site History:**  
88/02843/FUL Extension to dwelling - Granted 16.06.1988  
94/00969/FUL Erection of conservatory to side of detached dwelling - Granted 25.05.1994  
03/01910/FUL Construction of two storey extension to side of dwelling and erection of a boundary wall to front - Granted 07.07.2003  
20/03604/HOU Ground floor extension and first floor extensions to rear and porch to front - Granted 22.09.2020  
21/00426/FUL Detached dwelling within side garden area - Granted 06.05.2021

**The National Planning Policy Framework (NPPF):**  
The NPPF is a material planning consideration on any development proposal. The NPPF highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development, which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;

- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the NPPF suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

**Local Plan for Bradford:**

The Core Strategy for Bradford was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is unallocated within the RUDP. Accordingly, the following adopted Core Strategy policies are applicable to this proposal.

**Core Strategy Policies**

- DS1 – Achieving good design
- DS3 – Urban character
- TR2 – Parking Policy
- DS5 - Safe and Inclusive Places

Householder Supplementary Planning Document

**Parish Council:**

Not applicable.

**Publicity and Number of Representations:**

The application was advertised by way of neighbour notification letters. The publicity period expired on 7 September 2021. No representations were received.

**Consultations:**

None required.

**Summary of Main Issues:**

1. Proposal
2. Impact on the Local Environment
3. Impact on Neighbours
4. Impact upon highway safety

**Appraisal:**

**1. Proposal**

The application relates to:

- replacing existing side conservatory with extension on similar footprint
- rear shed

## **2. Impact on the Local Environment**

### **SIDE EXTENSION**

The proposed side extension would be over the footprint of the existing side conservatory. This would represent an improvement in terms of design and materials with reduced glazing. It would be constructed of brickwork and tiling matching the host dwellinghouse whereas the existing conservatory, to be displaced, contrasts sharply against the host building. The proposal is a visual improvement to the existing structure and complies with policy DS1 and DS3 of the Councils Core Strategy and the Design principles 1 and 4 of the Councils approved Householder SPD.

### **SHED**

The Householder SPD provides guidance in this matter under page 29. It states: Design and Position of Garages and Outbuildings: A new garage or outbuilding may have as much impact on the overall appearance of a property as a normal extension.

This structure is small with a footprint size of 2.5m X 0.9m and the higher part of the sloping roof measuring 2.5m. It is position in an inconspicuous location along the rear corner curtilage. The proposal would not be unduly out of keeping and not appear unduly incongruous within the local environment. The small scaled building is considered unlikely to introduce a strident feature in the local environment and therefore, it complies with the design principles 1 and 4 of the Council's approved Householder SPD.

## **3. Impact on Neighbours**

In terms of residential amenity, the proposal is considered acceptable and is not considered to have any significant negative impact on the occupants of neighbouring dwellings. The proposed complies with design principles 2 and 3 of the Councils approved Householder SPD. The proposal is therefore in accordance with Policy DS5 of the Council's Core Strategy.

## **4. Impact on Highway Safety**

There are no adverse implications.

### **Community Safety Implications:**

There are no apparent community safety implications.

### **Equality Act 2010, Section 149:**

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. It is not however considered that that any issues with regard thereto are raised in relation to consideration of this application.

### **Reason for Granting Planning Permission:**

The proposals are considered to relate satisfactorily to the character of the existing dwelling and adjacent properties. The impact of the proposal upon the occupants of neighbouring properties has been assessed and it is considered that it will not have a significantly adverse effect upon their residential amenity. As such this complies with Policy DS1, DS3 and DS5 of the Council's Core Strategy Development Plan Document and the Council's Householder Supplementary Planning Document.

**Conditions of Approval:**

1. The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).

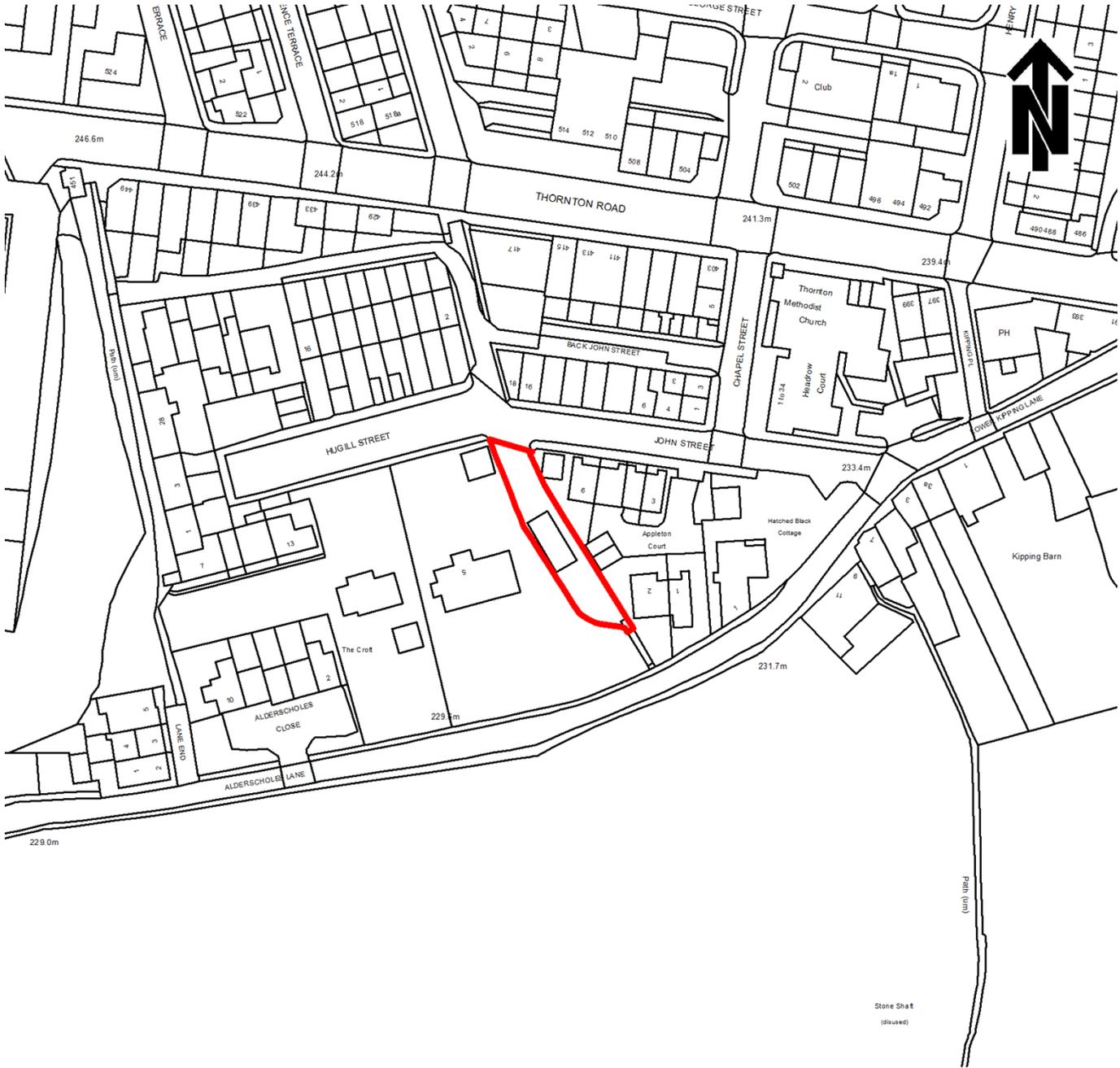
2. The extensions hereby approved shall be constructed of facing and roofing materials to match the host building as specified on the submitted application.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies DS1 and DS3 of the Council's Core Strategy Development Plan Document.

21/04322/FUL



City of **BRADFORD**  
METROPOLITAN DISTRICT COUNCIL



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**Land East Of 5 Hugill Street  
Thornton  
Bradford**

**27 October 2021**

**Item:** E  
**Ward:** THORNTON AND ALLERTON  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
21/04322/FUL

**Type of Application/Proposal and Address:**  
Full planning application for the demolition of existing garages and construction of a detached dwelling on land east of 5 Hugill Street, Thornton.

**Applicant:**  
Mr Ian Smith

**Agent:**  
Mr Shuaib Khan

**Site Description:**  
The application relates to a long, thin site with existing residential properties and garden plots on either side. With a road frontage to the north, the site tapers to a point at its southern end. A footpath, the extent and alignment of which is unmarked on the ground, runs along the site's eastern side and links Hugill Street/John Street to the north with Alderscholes Lane to the south. Grounds levels fall towards the south, gently at first, then with steps and a retaining wall beyond the site to the much lower Alderscholes Lane.

The existing building within the site was most recently used for garage purposes. Although unused for several years and thus overgrown and untidy, it is nevertheless clear that the existing building has a utilitarian form and appearance.

**Relevant Site History:**  
20/00579/OUT - Outline application for construction of detached dwelling with all matters reserved. Not determined.  
Appeal against non-determination Dismissed. (Planning Inspectorate appeal ref: APP/W4705/W/20/3263655)

**The National Planning Policy Framework (NPPF):**  
The NPPF is a material planning consideration on any development proposal. The NPPF highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development, which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;

- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the NPPF suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

**Local Plan for Bradford:**

The Core Strategy Development Plan Document was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is unallocated. Accordingly, the following adopted Core Strategy policies are applicable to this proposal.

**Core Strategy Policies**

HO9 Housing Quality  
DS1 Achieving Good Design  
DS2 Working with the Landscape  
DS3 Urban character  
DS4 Streets and Movement  
DS5 Safe and Inclusive Places  
SC9 Making Great Places

**Parish Council:**

Not applicable.

**Publicity and Number of Representations:**

The application was publicised with neighbour notification letters sent out on the 6 September 2021 with an expiry date of 2 October 2021. Ten letters of objection received.

**Summary of Representations Received:**

Objection to this application:

- Hugill Street/St John Street is narrow with a lot of street parking.
- Development would require removal of trees at the site.
- A footpath runs through the site. This has to be maintained at 2m width.
- The dry stone walls to either side of the plot are historic.
- Some of the walls are retaining walls and show signs of bulging.
- The development would be detrimental to wildlife.
- A house here would cause overlooking and a loss of privacy for the adjacent residents.

**Consultations:**

Drainage – No objection subject to conditions

Public Right of Way – Note the presence of a public footpath crossing the site. The footpath width must not be restricted and its surface should be enhanced and signed from the metalled road.

The Coal Authority – The application site falls within the defined Development High Risk Area further intrusive investigations are required subject of an appropriately worded planning condition.

West Yorkshire Police – No objections.

**Summary of Main Issues:**

1. Principle of development
2. Design and impact on visual amenity
3. Impact on residential amenity
4. Highways
5. Drainage
6. Coal and ground stability
7. Public right of way

**Appraisal:**

**1. Principle of Development.**

According to section 38(6) of the Planning and Compulsory Purchase Act 2004 planning decisions “must be made in accordance with the development plan unless material considerations indicate otherwise.”

The Council is unable to demonstrate a 5 year housing supply, as of January 2021, the figure stands at 2.03 years. The National Planning Policy Framework is a material consideration and since the proposal is for residential development it is necessary to consider paragraph 11 of the NPPF which states that there is a presumption in favour of sustainable development. This means that for decision making:

“Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The Council’s inability to demonstrate a five year supply of housing land weighs in favour of the development and has to be balanced against any adverse impacts of granting the proposal. A single dwelling would make a modest impact on the housing land supply, nevertheless, it would make a positive contribution to the housing figures and has to be considered in that context and consider that any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the development.

**2. Design and Impact on Visual Amenity**

Core Strategy policy DS1 states “Planning Decisions including Plans, development proposals, and investment decisions should contribute to achieving good design and high quality places through:

- A. Taking a holistic, collaborative approach to design putting the quality of the place first.

B. Being informed by a good understanding of the site/area and its context.

Core policy strategy policy HO9 relates specifically to residential development and states in criterion A “New housing development should be high quality and achieve good design.”

The previous outline application was dismissed at appeal primarily because of a lack of information. What is shown now as part of this application is a split-level dwelling that takes advantage of the topography of the site by digging down into the sloping land. The garage building presently on site is not of a high visual amenity value and its demolition will not impact negatively on the locality. The constraints of the site have been considered and resulted in a dwelling that is designed with full height glazing on the south facing elevation.

The proposed dwelling has two bedrooms designed with one at lower ground floor level and one above. These would take advantage of the glazing on the south facing elevation.

The entrance to the house is to the side elevation off the public right of way. This is designed with the door and windows to either side serving the entrance hall and one to a w.c. The western elevation is designed with two windows serving the kitchen and hallway.

When viewed from Hugill Street the dwelling would appear as a bungalow. The adjacent dwellings, facing onto Hugill Street/Johns Street are two storeys in height. Infilling this plot with the proposed dwelling would not impact negatively on the street scene. It is the case that the plot has become overgrown and, to a degree, assimilated into the wider street scene. The present garage is unused and as a result does not cause any disruption to the streetscene.

The plans, as submitted, shows bi folding doors on the north elevation facing towards the Hugill Street. It is considered that the design should altered to a more solid wall with traditional windows. At the time of writing amended plans have not been received. Members will be updated about this matter at the Panel.

The position of the dwelling is set back from the edge of carriageway which allows for two parking spaces to the front of the house. this reduces the prominence of the dwelling. The plans show landscaping to the front and rear to further help integrate the dwelling into the site and street scene.

The proposal has considered and suitably addressed the concerns identified by the Inspector in dismissing the appeal for outline permission. The constraints of the site mean that the dwelling has to be carefully designed so as to integrate into the setting, the use of fenestration is well designed to give adequate light to the dwelling and protect the integrity of the design of the building.

The proposed dwelling is considered to be suitably designed using construction materials that are found locally.

### **3. Impact on Residential Amenity**

Core Strategy policy DS5(F) states that development should “Not harm the amenity of existing or prospective users and residents.”

The site is located between dwellings; 5 Hugill Street to the west and the houses on Appleton Court. The lack of information of the outline application was a fundamental problem as it was not seen how the site could be developed in a way that protects the amenity of existing residents.

The house has been designed to take advantage of the open aspect to the south elevation. This means that the fenestration to the side, facing towards existing residents, are reduced and are intended to serve secondary or tertiary rooms such as the w.c, bathroom and hallway. Where necessary it is proposed that some of the windows are obscurely glazed.

The dwelling is designed with a balcony off the living room to the south elevation. This is acceptable provided that the panel boundary fencing is erected as shown and the western elevation of the balcony is constructed with a solid side at 1.8m in height. At the time of writing plans have not been received showing a solid side to the balcony. It is possible to condition this element should amended plans not be received before the determination of the application. Members will be verbally updated on this matter at the meeting.

The land to both sides of the plot is at a much lower level than the proposed dwelling. The view from the balcony to the east would be over the parking area of Appleton Court rather than towards any garden area or directly towards existing windows. With the precautions mentioned it is considered that the proposed dwelling has been suitably designed to protect the amenity of the existing residents.

The proposal will likely result in the loss of the trees on the site. Some branches from adjacent trees overhang the boundary. The trees on the site are not considered to be of a high amenity value due to their size and condition. The proximity of tree adjacent to the existing garage mean that it is not practical to retain them.

#### **4. Highways**

There is an existing dropped kerb along the frontage of the plot to serve the garage presently in situ. The plans show the formation of two parking space between the dwelling and the highway. There is no space to manoeuvre in the site meaning that car would have to either reverse into the site or out onto the highway.

It is common for cars to be parked on Hugill Street and John Street which has the effect of narrowing the carriageway and reducing visibility. Hugill Street is a no through road and as such, is not used by a high number of users. Car speeds are, generally, low due to the constraints identified.

It is the case that visibility at this access of oncoming traffic and also inter-visibility between drivers and pedestrians on Hugill Street is substandard due to; narrow footway width, the horizontal alignment of the highway, on street parking and high boundary walling at neighbouring properties. This is the case as presently experienced with the garage. The garage is generally unused, and has been for some time, however the use has not ceased and could be reused. The development would see an increase in frequency of vehicle movements. This matter was considered by the Inspector in dismissing the previous appeal and opined that "the Council is...mindful of the site's existing access point and concludes that the proposed residential use of the site would not generate significant levels of traffic over and above that which might be expected should a garage use resume.

Whilst noting these issues during the course of my visit to the site, I have not been presented with any compelling evidence which would lead me to a different conclusion to that reached by the Council in this respect.”

The low speed of the vehicles and the low number of vehicles using the highway mean that the proposed development is acceptable in highway safety terms. The provision of two off street parking spaces means that there would not be a requirement for residents to park on the highway.

The parking proposed shows two parking spaces. However, as shown one of these spaces is partly on the public right of way. It is necessary to retain the public right of way free of obstruction. This means that the shrub planting on the western boundary needs to be removed and the parking spaces moved across and the public right of way physically marked on site to ensure that it cannot be parked on.

It is necessary to condition that electric vehicle charging points are installed at the site.

## **5. Drainage**

The sloping land means that surface water flows towards Alderscholes Lane. There is no objection to the proposal provided that conditions are added relating to drainage details and these are complied with.

## **6. Coal and Ground Stability**

The site is within an area identified by the Coal Authority as Development High Risk Area. The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically likely historic unrecorded coal workings at shallow depth.

A Coal Mining Risk Assessment (9 July 2020, prepared by A G Smith) has been submitted with the application. It recommends that intrusive sites investigations are undertaken in order to identify any necessary remedial measures.

The applicant has adequately considered the high risk of coal mining and ground stability at the site. The Coal Authority does not object to the proposal subject to a condition to ensure that the invasive survey work, as identified in the Coal Mining Risk Assessment is completed. A suitably worded condition is to be included if the application is approved.

## **7. Public Right of Way**

The unmarked footpath runs along the site's eastern side and links Hugill Street/John Street to the north with Alderscholes Lane to the south. Alderscholes Lane is at a much lower level than the development plot. The path falls towards the south, gently at first, then with steps down to Alderscholes Lane. The path is relatively well used. There is a requirement to maintain the footpath at a width of 2m. The plans show how this can be achieved and it is considered necessary to condition that the footpath remains unobstructed at all times.

The front door of the proposed dwelling would open straight onto the footpath. This is not unlike a terrace house opening onto a pavement and this can be seen on John Street. The presence of the footpath does mean that the garden area of the house might not be private but with suitable perimeter screening it could be enclosed to a degree.

The development would not significantly impact negatively on the recreational amenity value of users of the footpath.

**Community Safety Implications:**

There are no implications for community safety

**Equality Act 2010, Section 149:**

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

**Reason for Granting Planning Permission:**

The proposal would make a modest contribution to housing land supply at a time when the Council is unable to demonstrate a five year supply of housing land. The principle of housing development is in accordance with the Development Plan and national policy.

The layout, scale, design and form of the dwelling is appropriate to the locality and the separation of the proposed apartments from existing dwellings adjoining or near the site is satisfactory so the layout would retain the amenity of existing occupiers.

The development has suitably demonstrated that a dwelling can be erected on this site with a design that is acceptable in appearance and protection of neighbouring residents. It overcomes the reason for the dismissal of the previous appeal.

The proposed dwelling can be sited in a way which protects the public right of way and two parking spaces. This is necessary by condition to ensure that the footpath remains clear of obstruction.

The site is located in an area defined as a 'Development High Risk Area' by the Coal Authority. A High Risk Area survey work has been undertaken and mitigation measures have been submitted with the application. With the correct conditions, to ensure that dwelling is constructed in accordance with the details found on site.

The sloping land and the unknown condition of the boundary walls to the east and west mean that details of the excavation work are required before construction commences.

Subject to the suggested conditions the application is therefore considered to be in accordance with Policies DS1, DS3, DS4, DS5, EN3, HO9, SC5 and SC9 of the Core Strategy and the proposal is for sustainable development that accords with the National Planning Policy Framework.

**Conditions of Approval:**

1. The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. The development hereby approved shall only be carried out in accordance with the drawing numbers listed below:

Location plan and layout drawing number 20-061-03  
Proposed plans and elevations drawing number 20-061-01  
Proposed sections drawing number 20-061-02

Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted.

3. No drainage works shall begin until details of a scheme for foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall thereafter be implemented prior to the commencement of the development.

Reason: In the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

4. Before any development commences on site, full details, including all necessary calculations of those temporary and permanent works affecting the stability of the boundary walls to the east and west; shall be submitted to and approved in writing by the Local Planning Authority. The measures so approved shall be carried out in accordance with a programme of works to be approved in writing by the Local Planning Authority.

Reason: No details have been submitted of necessary retaining structures and such measures are necessary to protect the stability of the highway in the interests of safety and to accord with Policies DS4 and DS5 of the Core Strategy Development Plan Document.

5. No development shall take place until a report detailing the findings of appropriate intrusive site investigations to confirm shallow coal mining conditions has been submitted to and approved in writing by the Local Planning Authority. Should the intrusive surveys find that remedial works are necessary the report should also contain full details of these works. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that risks from land stability are minimised, in accordance with policy EN8 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

6. Before the date of first occupation of the dwelling, hereby approved, two parking bays shall be equipped with operational purpose built EV charging facilities. The charging points shall have a minimum output of 32A/ 7-23kW with Mode 3 type 2 capability and shall be retained for the lifetime of the development.

Purpose: To facilitate the uptake and use of low emission vehicles by future occupants and reduce the emission impact of traffic arising from the development in line with the council's Low Emission Strategy, policy EN8 of the Bradford Local Plan and National Planning Policy Framework (NPPF).

7. Prior to the occupation of the development a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure that the land is suitable for its proposed future use and to protect the living conditions of future users of the site and the natural environment in accordance with Policies DS5, EN8 of the Bradford Local Plan Core Strategy Development Plan Document.

8. The development hereby permitted shall be drained using separate foul and surface water drainage systems.

Reason: In the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

9. No drainage works shall begin until details of a scheme for separate foul and surface water drainage, including any existing water courses, culverts, land drains and any balancing works or off-site works have been submitted to and approved in writing by the Local Planning Authority. Surface water must first be investigated for potential disposal through use of sustainable drainage techniques and the developer must submit to the Local Planning Authority a report detailing the results of such an investigation together with the design for disposal of surface water using such techniques or proof that they would be impractical. The details and scheme so approved shall thereafter be implemented in full before the first occupation of the development.

Reason: To ensure proper drainage of the site and to accord with policy EN7 of the Core Strategy Development Plan Document.

10. Before development above damp proof course commences on site, arrangements shall be made with the Local Planning Authority for the inspection of all external facing and roofing materials to be used in the development hereby permitted. The samples shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with the approved details.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies DS1 and DS3 of the Core Strategy Development Plan Document.

11. The existing wall(s) along the east and west boundaries of the site shall be retained during and after completion of the development and those parts of the boundary wall that are damaged or removed shall be made good using materials of similar appearance, and to a similar coursing to the remaining wall, prior to the first occupation of the development hereby permitted.

Reason: In the interests of visual amenity and privacy and to accord with Policies DS2, DS3 and DS5 of the Core Strategy Development Plan Document.

12. The windows in the west elevation of the dwelling hereby approved shall be glazed in obscure glass. Thereafter, these windows shall be retained with obscure glazing.

Reason: To prevent overlooking and loss of privacy to occupiers of adjacent properties and to accord with Policy DS5 of the Core Strategy Development Plan Document.

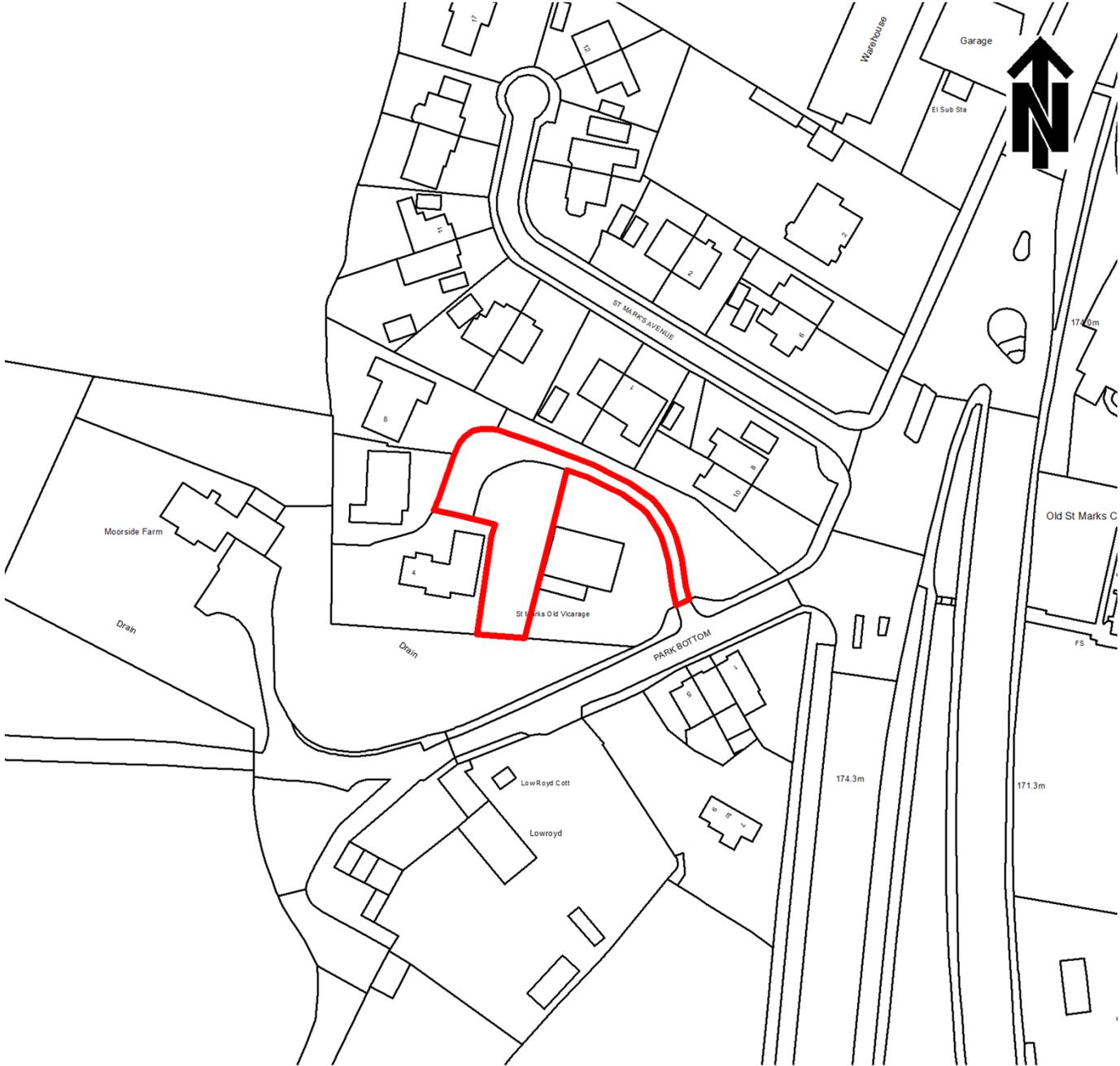
13. The public right of way that passes through the site shall be maintained at a width of 2m between Hugill Street and Alderscholes Lane at all times.

Reason: In order to retain the footpath at a suitable width and free from obstructions for users and to accord with Policy TR3 of the Core Strategy Development Plan Document.

14. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no development falling within Classes A to E of Part 1 of Schedule 2 of the said Order shall subsequently be carried out to the development hereby approved without the prior express written permission of the Local Planning Authority.

Reason: To safeguard the amenities of occupiers of adjoining properties and to accord with Policies DS3 and DS5 of the Core Strategy Development Plan Document.

21/02887/FUL



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**St Marks Old Vicarage  
Park Bottom  
Bradford BD12 0UA**

**27 October 2021**

**Item:** F  
**Ward:** ROYDS  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**  
**APPLICATION WITH A PETITION**

**Application Number:**  
21/02887/FUL

**Type of Application/Proposal and Address:**  
This is a full application proposing the construction of a detached bungalow on land to the side of St Mark's Old Vicarage, Park Bottom, Bradford.

**Applicant:**  
Mrs Kaur

**Agent:**  
Belmont Design Services Ltd

**Site Description:**  
Park bottom is an attractive area surrounded by mature trees and tall hedges, with links to Judy Woods, Park Dam and nearby fields which all attract people to this area. Park Bottom takes access from the busy Woodside Road and has in recent years experienced new build development close to its entrance.

The site itself fronts onto a driveway area, forming part off Park Bottom which is shared by 4 properties, with this particular site forming part of the garden to St Mark's Old Vicarage. St Mark's Old Vicarage is part of a modern cluster of properties likely to have been constructed in the early 1980's, comprising of two storey detached properties, in irregular open plots, with this development site being a relatively level piece of land at the side of the existing house, consisting of an area of existing hardstanding and grass.

**Relevant Site History:**  
01/01236/FUL - Two storey extension to side of property – Granted 12.06.2001  
05/02335/FUL - Erection of one detached dwelling – Refused 26.08.2005  
06/00026/FUL - Construction of detached building to form two apartments – Refused 08.03.2006  
06/02393/FUL - Renewal of existing planning approval 01/01236/FUL for two storey extension to side of property – Granted 17.05.2006  
06/05252/FUL - Erection of detached dwelling plot 1 within existing garden – Refused 27.09.2006  
06/09660/FUL - Construction of detached dwelling within existing garden – Refused 23.03.2007

**The National Planning Policy Framework (NPPF):**

The NPPF is a material planning consideration on any development proposal. The NPPF highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development, which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the NPPF suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

**Local Plan for Bradford:**

The Core Strategy Development Plan Document (DPD) was adopted in 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP) remain applicable until adoption of Allocations and Area Action Plan DPDs. The site is not allocated for any specific land-use in the RUDP. Accordingly, the above adopted Core Strategy DPD and saved RUDP policies are applicable to this proposal.

**Core Strategy Policies**

DS1 – Achieving Good Design  
DS3 – Urban Character  
DS4 – Streets and Movement  
DS5 – Safe and Inclusive Places  
TR2 – Parking Policy  
EN2 – Biodiversity and Geodiversity  
EN3 – Historic Environment  
EN5 – Trees and Woodland  
EN7 – Flood Risk  
EN8 – Environmental Protection  
HO5 – Density of Housing Schemes  
HO9 – Housing Quality

**Parish Council:**

Not applicable.

**Publicity and Number of Representations:**

The application was advertised by individual neighbour notification letters. The initial period of publicity expired on 3 September 2021. Following receipt of revised drawing the application was re-publicised by neighbour notification letters. This period of publicity expired on 7 October 2021.

### **Summary of Representations Received:**

A total of 26 written representations, a petition of 87 signatories and a representation from a Ward Councillor have been received.

The petition states how the proposal will have a negative impact on the character and appearance of the area. A Ward Councillor has raised concerns and has asked that if officers are minded to approve the development, that it is considered by the Planning Panel.

Below is a summary of the written representations received;

- There are inaccuracies in the information supplied. The plans are not an accurate representation of the available parking on site, there is a stream within 20 metres of the property and there are 3 other houses on the road and not the 2 stated. The information is only sufficient for an outline and not a full planning application.
- The proposal will impact on the side facing ground floor windows of a neighbouring property, overshadowing them and resulting in a loss of light which will be significant, due to a combination of this development and tall protected trees at the rear. These are primary windows and the property has been designed and adapted to meet the site circumstances.
- The loss of light will cause psychological distress, by plunging neighbouring properties into darkness, increasing the reliance on artificial light which is detrimental to neighbour's health and wellbeing.
- The building is not in proportion with the surrounding area, will appear out of place, cramped, squeeze into an area smaller than the other properties on the street, appearing squashed and contradicting the street's original design which is harmful to the streetscene, character and amenity of the area.
- Strong feeling locally against this development. All neighbours on this row have objected.
- Not viable as an independent dwelling. It should be registered as an annex.
- The development could be made smaller and still serve the same purpose.
- The track is not a full road and is inadequate for turning and loading. Neighbours walls and property have been damaged in the past and this will increase this likelihood.
- Will exacerbate parking issues on the site and in the surrounding area. Currently only parking sufficient for the 4 existing properties. On street parking is an issue and not widely available in the area or on the drive itself. Visitors and tradesmen will need to park elsewhere.
- The submitted information hasn't demonstrated that the development will be safe. There is historic mining in the area and issues with gas, which could pose a risk to life.
- The development will impact on the environment, worsening air and noise pollution, and the habitats of a large variety of birds, bats and insects in the area.
- The proposal contradicts the Council's and Government aims of sustainable development.
- This intensified use of the street poses a risk to neighbouring residents and children.
- No trees details have been provided.
- No planning notice was displayed.
- The area would no longer be open and pleasing.
- The development would cause distress and disappointment to local residents and people who visit the area. The area gives a great deal of pleasure to a great number of people, including ramblers, cyclists and horse riders who come to enjoy a peaceful and relaxing environment, with access to the dam, fields and Judy woods.

- The development would result in both a long and short term financial burden to neighbours.
- This would present an overdevelopment of the land.
- Insufficient space to place boundary treatments and to conduct essential maintenance.
- The area complements the setting of a listed building at Low Royd.
- Damage could occur from the building process. This has happened in the area before.
- The highways requirements have not been met. The drive is too narrow and a passing point has not been provided.
- The proposal would impact on neighbouring outlook and invade privacy.
- No legal right of access for a new property.
- One of the neighbours welcomes international visitors and hold business meetings at their property. The property and its surroundings create a good impression for investors and new development here would impact on the neighbour's business and community relations.
- If planning was granted rights to extend should be removed to protect neighbouring amenities.
- Previous applications should also be considered. They received similar attention and were refused, with an appeal dismissed.
- The reasons for submitting the application should be left out of any assessment.
- There are currently drainage issues causing flooding at the entrance to the driveway which has impacted on all neighbours and continues to be an issue. Blockages have been removed, but flooding still occurs. These issues would be exacerbated and there would be a requirement for further investigation and investment to overcome these.
- Access is long and narrow and frequently need to reverse or wait, causing a nuisance.
- Could be difficult for emergency vehicles to access.
- Less ground will be available for water to soak in.
- The area is visually well balanced. This development would result in the loss of greenspace, proposing a car dominated development that reduces openness.
- The redline does not show the full extent of the neighbour's land and it is not clear why.

**Consultations:**

Environmental Health (Land Contamination) - Historical maps show that the site was a plot of undeveloped land forming part of the grounds to St Marks Vicarage for much of its history, the probability of contamination is therefore low, but a condition should be applied should unexpected land contamination be found.

Heritage and Conservation - The site is within the vicinity of listed buildings at Low Royd and a nearby pair of stone gate piers. The proposed site is separated from the listed building by a triangular plot of land, a minor road and a belt of trees. The site is considered to be suitably separate from the listed assets and will not harm them or their setting.

Drainage - No objections are raised, but have asked for a later submission of full drainage details and calculations to ensure that the proposed drainage will allow effective flood management and make best use of sustainable urban drainage techniques. They also advise that Yorkshire Water should be consulted as a public sewer exists close to the site.

Highways - Park Bottom is an adopted highway up to the point of the private driveway. This driveway could support up to a maximum of 5 properties and there are currently 4. The minimum acceptable width for a private drive is 3.3m, when accommodating both pedestrian and vehicular traffic, and it is suggested that a passing place is introduced. Not introducing a passing point may cause nuisance, but would not result in a highway safety issue. Electric vehicle charging points should be installed and cycle storage provided.

The Coal Authority - The coal legacy of the site is a material consideration as the development area falls within a high risk category, with records indicating that the site is within an area of recorded shallow coal mining and in the past the Coal Authority has been called to deal with a mine gas issue within a close proximity.

A phase 1 study has been provided, but intrusive site investigations will also be required prior to development to confirm the actual ground conditions, with a licence required from the Coal Authority itself. Conditions are suggested.

West Yorkshire Police - No comments.

Trees - No comments.

Housing Standards - No comments.

### **Summary of Main Issues:**

1. Principle of Development
2. Impact on the Built Environment
3. Impact on Neighbouring Occupants
4. Highway and Pedestrian Safety
5. Land Quality and Coal Legacy
6. Drainage and Flood Risk
7. Trees, Biodiversity and the Environment
8. Impact on Heritage Assets
9. Other Matters Raised by Representations
10. Other Planning Matters

### **Appraisal:**

#### **1. Principle of Development:**

The proposal seeks planning permission to construct a detached bungalow within a residential garden. The site itself is not allocated for any specific uses in the Council's Replacement Unitary Development Plan, is not within a conservation area, but is within the vicinity of some listed assets and so should be assessed against relevant legislation and policy areas. Given the existing residential nature of this site and the wider context, this development is considered to be acceptable in principle subject to an impact assessment.

#### **2. Impact on the Built Environment:**

The proposal seeks to construct a bungalow in the garden of St Mark's Old Vicarage. The bungalow is to be constructed on a parcel of land between this property and number 4 and seeks a stone construction with a tile roof, reflective of the materials in this area. The existing four properties on this driveway are large and detached, however there are semi-detached and terraced properties in the immediate area, beyond the boundaries of this wider site, at the entrance on Park Bottom and on St Mark's Avenue.

Although the existing developments are typically two storeys, it is considered that a range of home types and sizes are required to meet the needs of the people in our District, allowing personal choice whilst giving consideration to the appearance and character of the existing area. This property is single storey, and although it will increase the density of the site, is considered to be of a proportionate scale to the plot and is of a size that respects the environment, helping to maintain the key attractions of the existing area.

The properties typically enjoy an open character and share design details such as the stone walling, tiled roofs and mullioned windows, however are not identical and all are individual. The same design features are to be replicated on this property which proposes a similarly open frontage, with gardens to the front and rear, and a setback behind St Mark's Old Vicarage, which although seen, will reduce its prominence from the entrance to the drive and other public vantage points.

The property will be suitably detached, with approximately a metre retained towards St Mark's proposed new boundary, and 2 metres to the boundary at number 4. Given the staggered relationship between properties and the subordinate scale of this development in relation to its neighbours, the proposal is considered to be a sufficient distance away from properties, will not result in any terracing of the street and pays adequate respect by way of its size and design in order to maintain the existing character of the surrounding area.

Providing that conditions are imposed for approval of facing and roofing materials, and the mullioned windows to be installed in accordance with the submitted plans, the proposal is considered to be of an acceptable design and is informed by a good understanding of the site and its context. Borrowing positive design features from other properties on this drive, the proposed design will be adequately integrated with other development in this area, building on its existing character and posing no significant harm to its existing identity.

Overall the proposal is considered to have an acceptable impact on the built environment, follows the guidance given in the Council's Homes and Neighbourhoods Supplementary Planning Document and accords with policies DS1 and DS3 of the Core Strategy Development Plan Document.

### **3. Impact on Neighbouring and Future Occupants:**

The development will introduce a new property that is approximately 2.6 metres to the eaves and 5.1 metres in height. The single storey construction is not considered to have any significant impacts on the applicant property at St Mark's Old Vicarage, but will have some impact on the neighbour at number 4.

The property will sit approximately 4 metres forward of this neighbour, but given that the neighbours are all at angles to each other, will not directly impact on their outlook, with any oblique angles considered to be acceptable. Given the low height at the front and the distance retained, the development is not considered to be overbearing on the front rooms or the front garden area of this neighbouring property and the side area adjoining this site, which allows passage into the rear garden, is not considered to be the neighbours most usable outdoor space and so no significant issues are raised here.

As the property is set on a similar build line to St Mark's Old Vicarage, the direction of shadow is likely to be the same as it currently is. The neighbour at number 4 has introduced new windows at the ground floor level in the side of their house by exercising their permitted development rights. This is because the neighbouring property receives limited light from the rear due to tall trees in their garden, and their concern is a further obstruction on light to the side windows also.

Although there will be some impact on light and outlook to the windows in the side, these are secondary windows and not the primary outlook for a habitable room. The direction of light changes throughout the day, and as this site is to the East of this neighbour, will only have a limited impact on light during the earlier hours of the day and so is not adverse, with other natural sources of light available. The property is set forward of this neighbour and so will not impede on the direct outlook of the 2 rear windows and will retain at least 3 metres between the two properties. The impact on neighbouring light and outlook overall is not considered to be excessive, and the proposal has been designed to limit the impacts on this neighbour, with the property stepped forward in relation. It is also considered that in the current situation a 2 metre boundary fence could be erected in this location as permitted development which would have a significantly worse impact on this neighbour.

Habitable room windows in the proposed property overlook areas to the front and rear only which are all publically visible. It is considered necessary however to remove permitted development rights for further additions to this property, to allow the Local Planning Authority to assess the situation at that time for its impact on neighbours, should further extensions be sought in the future.

The proposal will provide a good standard of living for future occupants, is logically arranged, meets the nationally described space standard and provides an adequate amount of indoor and outdoor space for this proposed use. The outdoor space provides a good amount of land for the storage of bins, the undertaking of domestic tasks and outdoor recreation proportionate to the size of the dwelling.

Overall the proposal is considered to provide acceptable accommodation for future occupants and on balance of the issues raised, providing that the suggested condition is applied, will not have any significant or adverse impacts on neighbours. The proposal is considered to follow the guidance given in the Council's Homes and Neighbourhood's Supplementary Planning Document and accords with policies HO9 and DS5 of the Core Strategy Development Plan Document.

#### **4. Highway and Pedestrian Safety:**

The proposed property will make use of an established access and driveway from Park Bottom. The access is currently only suitable for one vehicle and turning within the site has to be facilitated either via the turning head at the top of the drive, or by utilising existing driveways.

To allow a suitably shared pedestrian and vehicular access into the site, the proposal seeks an increase in the driveway width to 3.3 metres in line with current guidance. This is an improvement on the current situation and should be enforced by condition, to enable safe shared movements between people and vehicles.

Although it is advised by the highways officer that a passing point would improve the current highways situation, there isn't one currently and not doing so would not raise a highway safety concern. The number of vehicle movement along this drive will not increase significantly and the openness of this site, means that visibility in all directions is good. Although potentially a nuisance, drivers currently either wait to let each other pass, or pull into driveways when available and as this is a private driveway, will not lead to a significant increase in traffic movements or a significant nuisance beyond the current situation. Providing a passing point could cause issues in other areas, such as reducing the openness of the site, or impacting on trees. Given the benefit of the increased driveway width and the existing situation, the proposed development is not considered to result in adverse conditions and does not conflict with policies DS4 or DS5 of the Core Strategy Development Plan Document.

Three parking spaces are proposed with this development which is in excess of adopted standards. They are appropriately sized and are likely to be able to accommodate the users of the site and a potential visitor. This accords with policy TR2 of the Core Strategy Development Plan Document.

#### **5. Land Quality and Coal Legacy:**

The site historically appears to have been an undeveloped piece of land within the grounds of St Mark's Vicarage, for much of its history. The probability of land contamination being present is considered to be low risk, however the site is highlighted as a high risk coal mining area, with shallow coal mining recorded in the vicinity and previous issues with mine gas close to the site.

The application is accompanied by a Coal Mining Risk Assessment which acknowledges the risk and suggests that intrusive site investigations are carried out prior to any work starting. This is a condition agreed by the applicant and will allow the developer to confirm the actual ground conditions and any mitigation measures required, to provide suitable ground stabilisation and gas protection measures if deemed necessary. The investigation should be enforced by condition, and any findings reported to the Local Planning Authority through a submission of details, to ensure that suitable mitigation measures are in place and to ensure the safety and stability of the land. The applicant is also informed of a requirement from the Coal Authority, that permits and licences will also need to be obtained for this process.

Providing that pre-commencement conditions are applied and that investigations along with sufficient mitigation measures are sought, there are no conflicts with policy EN8 of the Core Strategy Development Plan Document. Given the past history of the area, a condition should be applied for in the event of unexpected land contamination being found to also accord with this policy.

#### **6. Drainage and Flood Risk:**

The site is within Flood Zone 1 which means it has an approximate 1 in 1000 year annual probability of being flooded from sea or river. A number of concerns by residents have been raised in relation to localised flooding in the area, particularly at the entrance to the drive. Having consulted with drainage colleagues, the level of flood risk of the site is considered to be acceptably low for this residential use and the ability to connect to the existing sewerage and drainage network should be investigated at building control stage.

Conditions to promote water efficiency through the use of sustainable drainage techniques are sought, and a full scheme of foul and surface water drainage will need to be submitted and approved, with foul and surface water drainage on separate drainage systems. This is to allow the effective management of flood risk in this location.

Providing suggested conditions are applied, the site is considered to be a sustainable location which will not significantly impact on drainage or flooding in the area and is considered to accord with policy EN7 of the Core Strategy Development Plan Document

#### **7. Trees, Biodiversity and the Environment:**

There are statutorily protected trees to the rear of St Mark's Old Vicarage and the neighbour at number 4, however the redline area of this site does not include any trees and this development is located well away. This development is to be positioned in an area of open garden space at the side of existing houses. Given its current use as a domestic garden, there is not considered to be any significant loss of habitat benefit and therefore little impact on biodiversity. The significant distance retained between the development site and trees, means there will be no adverse impact felt on these either.

Overall the proposal will have no impact on trees that would be detrimental to the character of the area, and have no impact on important wildlife habitats. It is considered that the impact on the environment can be mitigated by conditions for an electric vehicle charging point and cycle storage. Providing conditions are applied, the proposal accords with policies EN2, EN5 and EN8 of the Core Strategy Development Plan Document.

#### **8. Impact on Heritage Assets:**

The site is located close to listed buildings at Low Royd and a nearby pair of stone gate piers. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out a general duty as respects listed buildings in the exercise of planning functions. In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The proposed site forms part of a modern development of properties which are separated from these heritage assets by a distinctly separate triangular plot of land at the rear and a belt of trees. Given the level of separation and this proposal in this modern context, is not considered to have any impacts on the setting of the listed assets that would be considered harmful. The proposal will therefore maintain a suitable setting for heritage assets and accords with policy EN3 of the Core Strategy Development Plan Document.

#### **9. Other Matters Raised by Representations:**

- In relation to advertisement, the application was publicised in line with the Council's publicity code of practice.
- This is a residential site in a residential area, and so a development of this nature will not alter the character of the area and is not considered to impact on local business.
- The proposal is unlikely to impact on nearby buildings. Site investigations will take place prior to works starting and the level of workmanship will be checked at building control stage.

- In relation to lack of information and inaccuracies, there is considered to be sufficient information to allow a full and proper assessment of this application and additional information has been sought where needed.
- Previous applications have been referred to in the site history, but each application is assessed on its own merits and on the policy and legislation areas appropriate at that time.

**10. Other Planning Matters:**

No other matters raised.

**Community Safety Implications:**

The proposal has no implications for community safety.

**Equality Act 2010, Section 149:**

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

**Reason for Granting Planning Permission:**

On balance, the impact of this proposal is not considered to raise any significant issues for the built environment or neighbouring occupants. No highways safety issues are raised and the impact on other areas is not adverse, or its impacts can be mitigated by condition.

**Conditions of Approval:**

1. The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. Before development above damp proof course commences on site, arrangements shall be made with the Local Planning Authority for the inspection of all external facing and roofing materials to be used in the development hereby permitted. The samples shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with the approved details.

Reason: To ensure the use of appropriate materials in the context of the built environment and to accord with Policies DS1 and DS3 of the Core Strategy Development Plan Document.

3. The mullion windows shall be installed in accordance with the hereby approved plans and retained in for the life of the development.

To allow the development to appropriately integrate into its surroundings, to build on the character of the existing area and to accord with Policies DS1 and DS3 of the Core Strategy Development Plan Document.

4. No development shall take place until a report detailing the findings of appropriate intrusive site investigations to confirm shallow coal mining conditions has been submitted to and approved in writing by the Local Planning Authority. Should the intrusive surveys find that remedial works are necessary the report should also contain full details of these works. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that risks from land stability are minimised, in accordance with policy EN8 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

Reason for pre-commencement conditions: The undertaking of intrusive site investigations prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework

5. Prior to the occupation of the development a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure that the land is suitable for its proposed future use and to protect the living conditions of future users of the site and the natural environment in accordance with Policies DS5, EN8 of the Bradford Local Plan Core Strategy Development Plan Document.

6. Prior to the development being brought into use, the width of the driveway leading up to the front of the house should be hard surfaced, sealed and drained within the curtilage of the site with an increased width of 3.3 metres as shown on the approved plans.

Reason: To ensure a suitable width of shared access and to reduce the potential of conflict between pedestrians and vehicular traffic, in the interests of highway and pedestrian safety, and to accord with Policies DS4 and DS5 of the Core Strategy Development Plan Document.

7. Before the development is brought into use, the off street car parking facility shall be laid out, hard surfaced, sealed and drained within the curtilage of the site in accordance with the approved drawings. The gradient shall be no steeper than 1 in 15 except where otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to accord with Policies DS4 and TR2 of the Core Strategy Development Plan Document.

8. No drainage works shall begin until details of a scheme for separate foul and surface water drainage, including any existing water courses, culverts, land drains and any balancing works or off-site works have been submitted to and approved in writing by the Local Planning Authority. Surface water must first be investigated for potential disposal through use of sustainable drainage techniques and the developer must submit to the Local Planning Authority a report detailing the results of such an investigation together with the design for disposal of surface water using such techniques or proof that they would be impractical. The details and scheme so approved shall thereafter be implemented in full before the first occupation of the development.

Reason: To ensure proper drainage of the site and to accord with policy EN7 of the Core Strategy Development Plan Document.

9. If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Local Planning Authority as soon as reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme also agreed in writing by the Local Planning Authority.

Reason: To ensure that the land is suitable for its proposed future use and to avoid the effects of contamination on health, the living conditions of future users of the site and the natural environment in accordance with Policies DS5, EN8 of the Bradford Local Plan Core Strategy Development Plan Document.

10. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no development falling within Classes A to E of Part 1 of Schedule 2 of the said Order shall subsequently be carried out to the development hereby approved without the prior express written permission of the Local Planning Authority.

Reason: To safeguard the amenities of occupiers of adjoining properties and to accord with Policies DS3 and DS5 of the Core Strategy Development Plan Document.

11. Prior to occupation of the dwelling hereby permitted, at least one of the dedicated parking spaces for this property shall be provided with access to a fully operational 3 pin socket on a dedicated 16 Amp circuit, capable of providing a 'trickle' charge to an Electric Vehicle (EV). Charging points should be provided via outdoor, weatherproof sockets within easy access of the parking areas.

Reason: To facilitate the uptake and use of low emission vehicles by future occupants and reduce the emission impact of traffic arising from the development in line with Policy EN8 of the Core Strategy Development Plan Document, the West Yorkshire Low Emission Strategy and the National Planning Policy Framework.

**Informatives:**

1. The developer is advised to contact the Sewerage Undertaker (Yorkshire Water) to check if a public sewer crosses the site in the area of the proposed development. The Sewerage Undertaker (Yorkshire Water) should be consulted in respect of any layout constraints and for its view of the impact of the development on the sewerage system. The granting of planning permission does not override the requirement for the developer to obtain any necessary consents from Yorkshire Water in respect of the sewerage system.
2. You are advised that the proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

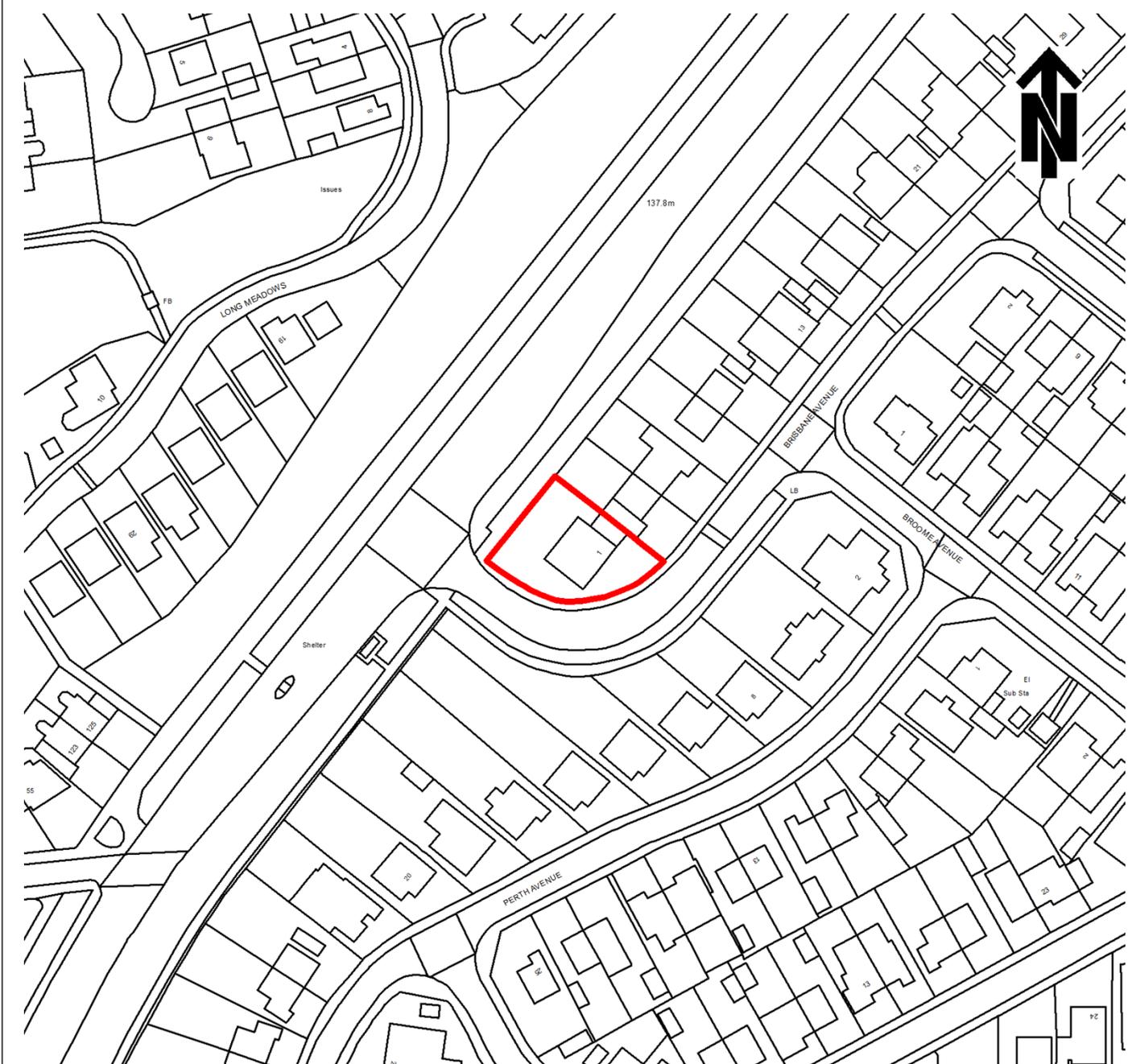
It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstances where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and minewater. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: <https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com) or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

21/03753/HOU



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**1 Brisbane Avenue  
Bradford  
BD2 1EH**

**27 October 2021**

**Item: G**  
**Ward: BOLTON AND UNDERCLIFFE**  
**Recommendation:**  
**TO REFUSE PLANNING PERMISSION**

**Application Number:**  
21/03753/HOU

**Type of Application/Proposal and Address:**  
Construction of two storey side extension, raising of roof and loft conversion with front and rear dormers at 1 Brisbane Avenue, Bradford BD2 1EH

**Applicant:**  
Mr S Mahmood

**Agent:**  
AA Planning Services

**Site Description:**  
The property is a detached dwelling, built of render, with an attached garage and a side extension. The extension is set back off the front elevation and its cream finish covers part of the front elevation and the whole of the rear elevation. Set at a higher level when seen from the rear, the house has undeveloped land within the curtilage to the rear and a drive and grass to the front.

**Relevant Site History:**  
17/02746/HOU - Construction of a two storey side extension – Granted 20.06.2017  
08/03555/FUL - Construction of two storey side/rear extension, and single storey side extension – Granted 24.06.2008  
07/06117/FUL - Two storey side and rear extension – Refused 18.09.2007  
06/03562/FUL - Two storey side and rear extension – Refused 07.07.2006  
04/03290/FUL - Single storey extension to the rear of the property and first floor extension to the side of the property – Granted 18.10.2004  
96/02628/FUL - Garage extension to side - Granted 23.10.1996

**The National Planning Policy Framework (NPPF):**  
The NPPF is a material planning consideration on any development proposal. The NPPF highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development, which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;

- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the NPPF suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

**Local Plan for Bradford:**

The Core Strategy for Bradford was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations development plan documents. The site is unallocated on the RUDP and so the following Core Strategy and RUDP policies are applicable.

**Core Strategy Policies**

- DS1 – Achieving good design
- DS3 – Urban character
- DS5 - Safe and Inclusive Places
- SC9 - Making Great Places

Householder Supplementary Planning Document

**Parish Council:**

Not applicable.

**Publicity and Number of Representations:**

The application was publicised with neighbour notification letters. The publicity period expired on 16 August 2021. Four objections to the development have been received. A Ward Councillor has written in support of the development and asks for determination by the Planning Panel if officers are minded to refuse consent.

**Summary of Representations Received:**

**Objections:**

- The development will be overwhelming and overpowering.
- Loss of sunlight.
- The proposal would lead to previously private areas being overlooked.
- The height of the development would be such that, it would create unreasonable overshadowing to our garden. Consequently, affecting the growth of plants and shrubbery.
- The proposed construction will also create unacceptable intrusion in the form of noise nuisance and disturbance. Our first-floor bedrooms would directly be next to the construction.
- The scale of the works would also mean that the property has an oppressive impact on surrounding houses...its scale and use, would appear out of character with its surroundings.
- Additionally, the property is already situated on the corner over busy junction with limited car parking spaces. As a result, the development may lead to a significant impact upon road safety.

- [Neighbours] will be unable to use the emergency exit from the side of the house as all bedroom windows upstairs have small openings.
- ...the kitchen will be situated right next to our house, consequently any smell/orders [sic] will directly affect our property and will enter into our home. Causing an inconvenience and also creating air pollution that will directly affect us. (Severe concerns due to airborne allergens).

**Support:**

- The Ward Councillor states that there are similar buildings in the area and no detrimental impact on the street scene or area would be caused by the development.

**Consultations:**

None required.

**Summary of Main Issues:**

1. Principle of Development
2. Impact on Built Environment (Design, Scale & Appearance)
3. Impact on Neighbouring Occupants
4. Impact on Highway Safety
5. Other Issues

**Appraisal:**

**1. Principle of Development**

This is a proposal for the construction of a two storey side extension, a raising of the roof and a loft conversion with front and rear dormers on a detached dwelling. The principle of extending the property is acceptable subject to its local impact which is assessed in the remainder of this report.

**2. Impact on Built Environment (Design, Scale & Appearance)**

The main concern in visual terms is the appearance of the dwelling and its relation to neighbouring properties. The side extension, as well as an existing extension, will, firstly, have no setback and will not therefore appear subservient to the host dwelling.

Furthermore, the side extension will be built up to the common boundary with number 3, which, along with neighbouring dwellings, forms a uniform line of semi-detached properties. It is planning policy to discourage the formation of terraces by infilling the spaces between semi-detached properties and whilst the dwelling is a detached property, its extension will be built up to the common boundary. It will therefore appear as the beginning of a terrace and set a precedent that may be hard to resist in future.

The terracing effect will be emphasised by the loss of the set back to the first floor of the extension on the opposite side of the house. Currently, the first floor set back of the side extension emphasises its subservient nature, but this will be removed, so that the front elevation of the dwelling will have no setback.

A similar extension was approved on the dwelling in June 2017 (reference: 17/02746/HOU), but it is considered that the resulting terrace effect and associated precedent in this case will result in a visually obtrusive feature in the street scene which, even built with materials to match the existing dwelling, will be detrimental to visual amenity.

This adverse impact is worsened by the resulting house, which will be too large and hence obtrusive in the context of the wider street scene.

Conversely, the proposed dormer windows will be sufficiently narrow, with large enough spaces between to comply with policy and therefore have no adverse visual implications.

### **3. Impact on Neighbouring Occupants**

The main house that will be affected by the proposal is number 3, Brisbane Avenue, two of whose windows are likely to be affected. One is a ground floor window to a garage, which is not a habitable room window and the other is a first floor window in the side elevation. Whilst light flow to this window will be affected, the window appears to be a secondary one and it is not considered that any effect on light flow to or from it will be sufficiently adverse as to form a reason for refusal of the application.

In terms of overbearing and overshadowing, the proposal will extend 3.0 metres beyond the rear of the parent dwelling. The relative positions of numbers 1 and 3 are such that this depth of extension is not likely to have any adverse effects in terms of overbearing or overshadowing. No other dwelling or amenity area is likely to be adversely affected.

With regard to overlooking, no windows will adversely overlook neighbouring properties, private areas or gardens and, if necessary, permitted development rights to construct windows could be taken away by a planning condition.

### **4. Impact on Highway Safety**

No significant traffic generation is likely to occur as a result of the development and sufficient parking space will remain within the curtilage for the parking of vehicles. Highway safety will not therefore be compromised.

### **5. Other Issues**

Noise from construction operations has been raised as a concern, with one objector pointing out that bedrooms will be located next to the construction. Whilst some noise is to be expected from construction, this is not likely to take place late in the evening or at night, when bedrooms are most likely to be in use. If noise becomes a statutory nuisance, this is a matter for Environmental Health.

The proposed kitchen will be screened from the adjacent property by the existing neighbouring garage. Cooking odours will dissipate in the outside air currents and will not create any air pollution.

Use of a neighbouring domestic emergency exit and the size of windows are not planning matters in this case.

### **Community Safety Implications:**

There are no community safety implications that are likely to arise from this proposal.

**Equality Act 2010, Section 149:**

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

**Reasons for Refusal:**

1. The scale and design of the side extension, the removal of a first floor set back and the resulting overall visual effect of the dwelling will create a terracing effect and an overlarge dwelling in the wider street scene to the detriment of visual amenity. As such, the proposal would be contrary to policies DS1, DS3, DS5 and SC9 of the adopted Core Strategy Development Plan Document and the policy of the adopted "Householder Supplementary Planning Document".