

Report of the Strategic Director of Place to the meeting of the Area Planning Panel (BRADFORD) to be held on 22 November 2023

E

Summary Statement - Part One

Applications recommended for Approval or Refusal

The sites concerned are:

<u>Item</u>	<u>Site</u>	<u>Ward</u>
1.	1 Hyde Street Bradford BD10 8LB - 23/01698/FUL [Approve]	Idle And Thackley
2.	Builders Yard Adjacent To 9 Back Heights Road Thornton Bradford BD13 3RP - 23/02885/FUL [Approve]	Thornton And Allerton
3.	122 Bradford Road Clayton Bradford BD14 6DN - 23/02993/FUL [Refuse]	Clayton And Fairweather Green
4.	89 Tong Lane Tong Bradford BD4 0RT - 23/02424/HOU [Refuse]	Tong

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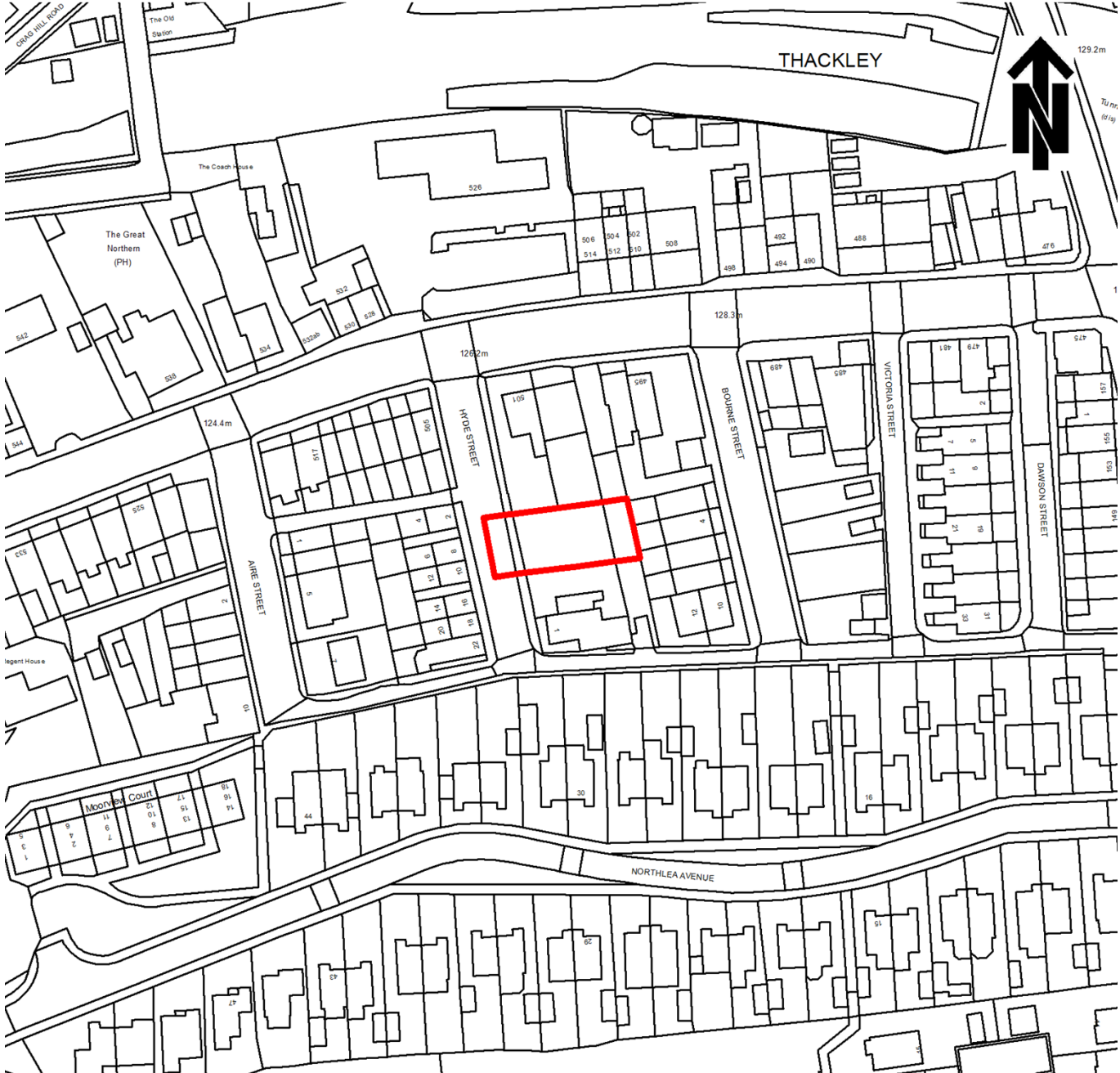
Portfolio:
Regeneration, Planning & Transport

Overview & Scrutiny Committee Area:
Regeneration and Environment

23/01698/FUL



City of **BRADFORD**
METROPOLITAN DISTRICT COUNCIL



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**1 Hyde Street
Bradford
BD10 8LB**

22 November 2023

Item: A
Ward: IDLE AND THACKLEY
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
23/01698/FUL

Type of Application/Proposal and Address:

An application for full planning permission for the construction of a detached dwelling on Land North of 1 Hyde Street, Thackley, BD10 8LB.

Applicant:

Mrs Devereux

Agent:

Janus Architecture

Site Description:

The application site comprises a rectangular parcel of garden land to the north of 1 Hyde Street, a stone built C19 detached property. Levels fall gently across the site towards the pair of semi-detached dwellings at 499 – 501 Leeds Road. Hyde Street and neighbouring Bourne Street and Aire Street are unadopted and set at right angles to Leeds Road, the A657. Between the two streets is a grassed lane which affords some parking at its southern end onto Hyde Street and to the north between 497 and 499 Leeds Road. The surrounding nature is residential in nature, characterised mostly by 19th century terraced and semi-detached housing.

Relevant Site History:

20/00035/FUL Construction of a detached dwelling Approved 29.4.2020.

The National Planning Policy Framework (NPPF):

The NPPF is a material planning consideration on any proposal and confirms the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF says that local planning authorities should approach decisions on proposals in a positive and creative way to secure developments that will improve the economic, social and environmental conditions of the area. It requires that decision-makers at every level should seek to approve applications for sustainable development that accord with the statutory development plan.

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 following 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
EN2 – Biodiversity and Geodiversity
EN7 – Flood Risk
EN8 – Environmental Protection Policy
HO5 – Density of Housing Schemes
HO9 – Housing Quality
TR2 – Parking Policy

The Council's adopted Supplementary Planning Document 'Homes and Neighbourhoods: A Guide to Designing in Bradford' is also relevant.

Parish Council:

Not applicable.

Publicity and Number of Representations:

The application was publicised with neighbour notification letters with an overall expiry date of 29.7.2023. Twenty objections from residents have been received together with a Panel request from a Ward Councillor.

Summary of Representations Received:

1. Hyde Street is unsuited to catering for additional traffic due to its surface condition, high take up of on street parking and use as a pedestrian route to local schools.
2. The provision of new drains to serve the planned dwelling would result in the rear lane being dug up to the detriment of its character and local wildlife.
3. There is a potential for flooding in this area.
4. The new property would result in a loss of achievable light to neighbouring properties.
5. The new dwelling will overlook existing residents.
6. The development would result in a loss of wildlife on the site, within the green lane to the rear and a reduction of local green space.
7. The development would be out of character with neighbouring Victorian properties.
8. The loss of the garden plot to 1 Hyde Street would be regrettable for future occupants.
9. The fact that a previous application has been approved should not mean that this proposal should be simply 'rubber stamped'.
10. The development would result in a loss of view.
11. Noise and disruption from construction traffic is likely to be disruptive, especially for those working from home.
12. The application has not been publicised by site notices.
13. Telegraph wires serving neighbouring houses on Bourne Street and Hyde Street cross the site.
14. Neighbouring properties on Bourne Street own half the width of the rear lane and would not consent to the lane being obstructed or dug up in any way.
15. A bungalow would be preferable to the proposed three storey dwelling and could meet local need.

The Ward Councillor request notes that the development will overshadow neighbouring properties.

Consultations:

Drainage: No objection subject to conditions.

Highways: No objection subject to conditions requiring the provision of parking prior to first occupation.

The Coal Authority: Following the consideration of additional information relating to the ground conditions, there is no objection to the development. An informative is however recommended to alert the developer to coal mining legacy issues.

Summary of Main Issues:

1. Background and Site History.
2. Principle of Development.
3. Impact of the Development on the Built Environment.
4. Impact of the Development on the Natural Environment.
5. Residential Amenity.
6. Highway Issues.
7. Other Planning Matters (Drainage and Coal Mining Legacy).
8. Outstanding Matters Raised by Representations.

Appraisal:

The proposal seeks approval for the construction of a 4no bedroomed detached dwelling on the site. The property is constructed in a traditional style from natural stone and blue slate. The property resembles a two-storey property however the roof space will provide additional bedroom accommodation. The dwelling has been designed to reflect the particular constraints of the site in that the rear elevation contains no clear, habitable window openings and the north side elevation incorporates a hipped roof, to minimise the mass and bulk of the property relative to neighbouring dwellings onto Leeds Road. Access is to be achieved off Hyde Street and 2No parking spaces are to be provided to the front of the property.

The scheme has been amended since initially submitted in that bat and bird boxes have been incorporated to contribute to local biodiversity.

1. Background and Site History

Planning consent was granted for an identical form of development under 20/00035/FUL in April 2020 and there have been no material change in circumstances to warrant the Local Planning Authority from taking an alternative view. The current scheme constitutes a slight betterment over that approved in 2020 in that it incorporates bat and bird boxes.

2. Principle of Development

The principle of residential development on this unallocated site is considered acceptable. The site is within the built-up area and in a relatively sustainable location and as noted above, planning permission has been previously granted for the same form of development.

Paragraph 11 of the National Planning Policy Framework requires that planning decision-takers should apply a presumption in favour of sustainable development - approving development proposals that accord with an up-to-date development plan without delay; or 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 the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.

This site is not part of an asset or area of particular importance.

For applications involving the provision of housing, the presumption applies in situations where the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites; or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

That is acknowledged to be the situation in Bradford District, within which the latest Housing Delivery Test results show supply falling below this threshold. This needs to be given significant weight.

The details of this application remain subject to an assessment of the local impact of the development, and consideration against detailed Development Plan policies, giving consideration as to whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

3. Impact of the Development on the Built Environment.

The dwelling will incorporate traditional building materials and architectural details and to that end is consistent with the character of the prevailing built form. The use of natural stone and slate with stone heads and cills and the incorporation of a gable feature to the front elevation will reflect the appearance of the original property at No 1 Hyde Street. It is acknowledged that most properties in the immediate vicinity of the site date from the Victorian period but that would not mean that a new dwelling need be inappropriate. Neither Hyde Street or the neighbouring Bourne Street are uniformly laid out and it is noted that there has been some infill development nearby on Aire Street with the construction of a detached dwelling of similar proportions to that as planned here. Properties to the south of No 1 Hyde Street on Northlea Avenue date from the 1970s.

Consequently, the proposal will accord with Policy DS1 of the Core Strategy Development Plan Document which states that planning decisions should contribute to achieving good design and high-quality places and Policy DS3 which seeks to ensure that developments are appropriate to their context and reinforce a distinctive character with attractive streetscapes and buildings which offer variety and interest. The scale of development is commensurate with the size of the plot and demonstrates an appropriate quality stand in accordance with the requirements of Policies HO5 and HO9 of the Core Strategy.

4. Impact of the Development on the Natural Environment.

As mentioned in numerous objection comments, there is a concern that the proposal will have a detrimental impact on wildlife in the area. However, the proposed site is a domestic garden, situated within the curtilage of the residential dwelling and there are no constraints on the land with regard to wildlife or endangered species. The amended incorporates bat and bird boxes to improve the biodiversity credentials of the scheme as required by Policy EN2 of the Core Strategy Development Plan.

5. Residential Amenity

The building has been designed to minimise its impact upon neighbouring residents, taking account of the site's constraints. No windows are shown to either facing side and the 5No windows in the rear elevation are all fitted with obscure glass as they serve either non-habitable rooms or form secondary openings, such as to the dining area of the kitchen. The facing distances to the front elevation of 17.3m from houses on Hyde Street are acceptable. It is noted that this distance is below the recommended figure of 21m as stated in the Homes and Neighbourhoods SPD but this is often common in areas where terraced housing predominates and where there is a tight grain of development. For example, there is only c 13m separation between No 1 Hyde Street and the neighbour opposite at No 22. The proposal will therefore not result in a material loss of amenity through overlooking.

Whilst the dwelling will be visible from neighbouring properties it should not be so overbearing as to be detrimental to the outlook or amenity of these properties. It is acknowledged that the neighbours to the north on Leeds Road are set at a lower level relative to the application site. However, section drawings demonstrate that the dwelling will not impinge on a 25-degree line when drawn out from the ground floor habitable room windows on the rear elevation of the neighbours to the north on Leeds Road. Given the relative separation distance and the incorporation of a hipped roof, the relationship here is acceptable. Loss of view is not a planning matter.

Whilst the development will result in the loss of a portion of the side garden to No 1 Hyde Street, the amount of amenity space for both dwellings is not disproportionate to the internal space provided for. Aside from the existing dwelling at 1 Hyde Street, properties locally have smaller than average gardens. The Council is satisfied that the development will not represent an overdevelopment of the plot. It is recommended that a condition be imposed to restrict further permitted development in the form of extensions and roof alterations to ensure that the Local Planning Authority retains control over future alterations in the interests of residential amenity.

The scheme will therefore satisfy Policy DS5 of the Core Strategy Development Plan which seeks to ensure that development proposals will not harm the amenity of existing or prospective users and residents and follows the design principles as set out in the Homes and Neighbourhoods SPD.

6. Highway Issues

Hyde Street is a relatively wide, unadopted road measuring c7.00m in width. The surface is rough in parts but in a reasonable condition, and consistent with that of neighbouring streets. The Council's Highway Engineers have raised no objections to the development and note that they supported the previous scheme in 2020. Whilst current highway guidance recommends that unadopted roads should serve no more than 5no dwellings, it was observed that Hyde Street already exceeds this, and that creating an additional dwelling would not raise any concerns from a highway safety perspective.

The proposed dwelling will have 2No off street parking spaces situated to the front of the property. This parking provision is satisfactory in serving a four-bedroom detached dwelling and accords with the Council adopted parking standards found at Appendix 4 of the Core Strategy Development Plan Document. The proposed parking provision would alleviate any impact of additional parking on Hyde Street. The off-street parking facility for the existing dwelling will not be affected by the development proposal.

For these reasons, the proposal will comply with policies DS4 and TR2 of the Core Strategy Development Document.

7. Other Planning Matters

Drainage

As with the previous application, the Council's Drainage Engineers have raised no objection to the development on the proviso that conditions will be attached to ensure that the drainage scheme is agreed prior to installation. These measures should address the concerns of the objectors as to the drainage implications of the development. The scheme satisfies the requirements of Policy EN7 of the Core Strategy Development Plan Document.

Coal Mining Legacy Issues

The Coal Authority initially raised an objection to the proposal. However, additional material was submitted by the applicant which addressed their concerns. As noted above, the holding objection has been withdrawn and an informative recommended to deal with any unexpected issues during the construction phase. There is confidence that the scheme will meet with the requirements of Policy EN8 of the Core Strategy Development Plan Document.

8. Outstanding Matters Raised by Representations

It is accepted that there would be some disruption, noise and disturbance during the construction period, but this should only be for a relatively short duration. Any repairs required to Hyde Street because of damage caused by construction traffic would be a private matter. Likewise, any planned works to install the drainage connection and any disturbance of the green lane to the rear of the site would be private matters outside the control of the planning authority. It would be for the applicant/ developer to relocate the telegraph pole to the satisfaction of the service provider. An informative however is recommended to alert the developer of the fact that the granting of planning permission does not override civil law rights and consent will be required to carry out works on or via neighbouring property, unless subject to the provisions of an agreement under the Party Wall Act 1996.

The application has been publicised by neighbour letter in accordance with the Council's adopted Publicity Code of Practice where letters have been sent out to all properties with a common boundary with the development plot. The site is not within a conservation area or a listed building and there is no statutory requirement to post a site notice. There is a danger that in relying on advertising the proposal by a notice on Hyde Street that adjoining occupants on Leeds Road and Bourne Street may not see it. It is not the function of the publicity process to notify all properties along Hyde Street but rather the intention is to raise local awareness of the planned development to those most likely to be affected. Judging by the level of interest in this application it is considered that the publicity process has been effective.

Whilst neighbouring residents may have a preference to an alternative design, the Local Planning Authority has a duty to consider the proposal in its submitted form. The scheme conforms with the relevant planning policies of the Core Strategy Development Plan as outlined above and a previous identical scheme has been approved on the site. Both of these factors tip the planning balance in favour of the current proposal.

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 quality 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:

Planning consent has been previously granted for an identical detached property on this site. There have been no changes in either planning policy or local circumstances which would justify the Local Planning Authority from taking an alternative view on the proposal. The dwelling will make a small, but worthwhile contribution to local housing need and the proposal is supported by the presumption in favour of sustainable development.

As with the previous scheme, the form and appearance of the property has been carefully designed, taking into account the particular constraints of the site and will not materially impact upon the amenities of existing and future residents or highway safety. Suitable conditions can be imposed to ensure that the development can proceed without negatively impacting upon the local drainage system. The proposal will comply with Policies DS1, DS3, DS4, DS5, EN2, EN7, EN8, HO5, HO9 and TR2 of the Core Strategy Development Plan Document and follows the spirit of the guidance set out in the Homes and Neighbourhoods 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 shall not 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.

Reason for pre-commencement condition: It is necessary to secure agreement of effective drainage measures before commencement, 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.

3. 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.
4. 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.
5. The five windows on the rear elevation of the dwelling hereby approved shall be glazed in obscure glass prior to the first occupation of the dwellinghouse. 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 Document.
6. 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 C of Part 1 of Schedule 2 of the said Order shall be carried out without the prior written permission of the Local Planning Authority.

Reason: To ensure that the Local Planning Authority retains control over future development on the site in the interests of the amenities of neighbouring occupiers and to accord with Policies DS3 and DS5 of the Core Strategy Development Plan Document.
7. Before any part of the development hereby permitted is brought into use, the off-street car parking shown on the approved plan shall be constructed of porous materials, or made to direct run-off water from a hard surface to a permeable or porous area within the curtilage of the site, with a gradient no steeper than 1 in 15. The parking so formed shall remain available whilst ever the development subsists.

Reason: In the interests of highway safety, drainage and to accord with policies TR2, DS4 and EN7 of the Core Strategy Development Plan Document.
8. Prior to the first occupation of the dwelling hereby permitted a minimum of one electric vehicle charging point shall be provided on the site, which shall be retained fully operational whilst ever the use subsists.

Reason: To facilitate the uptake of electric powered vehicles and to reduce the polluting impact of traffic arising from the development in line with the Council's Low Emission Strategy and National Planning Policy Framework.

9. Prior to the first occupation of the dwellinghouse, the bat and bird roost and nest features as shown on the revised elevation drawing 1015-005 C received by the Council on 2 October 2023 shall be installed and thereafter retained.

Reason: To increase the biodiversity value of the scheme in accordance with the Policy EN2 of the Core Strategy Development Plan Document

INFORMATIVES:

The developer's attention is drawn to the need to ensure that the development hereby approved occurs wholly on land in the ownership of the applicant. The granting of planning permission does not override civil law rights and consent will be required to carry out works on or via neighbouring property, unless subject to the provisions of an agreement under the Party Wall Act 1996.

Shallow coal seams

In areas where shallow coal seams are present, caution should be taken when carrying out any on-site burning or heat focused activities.

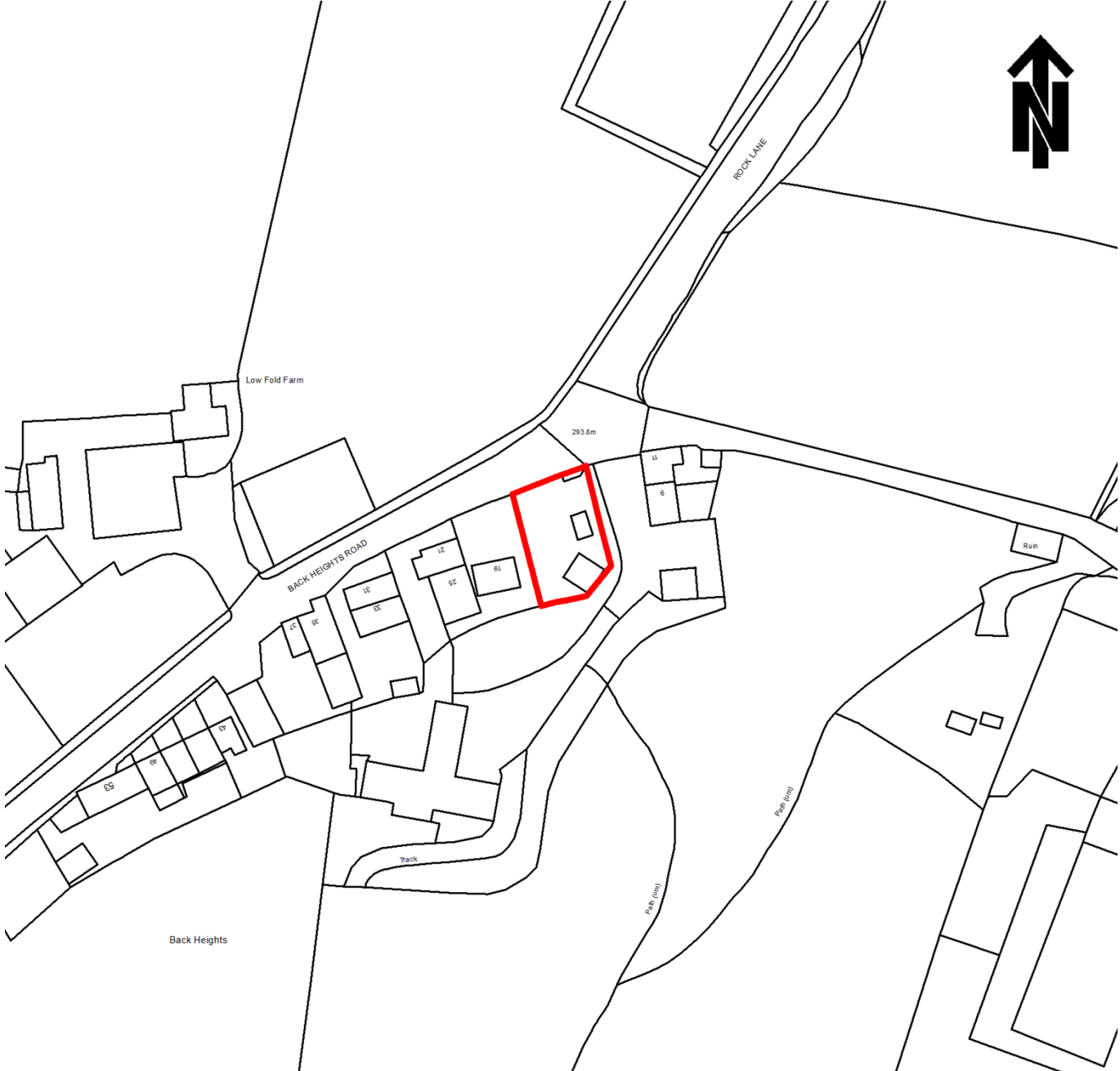
Mine Gas

It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. The Planning & Development Team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.

Sustainable Drainage Systems (SuDS)

Where SuDS are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

23/02885/FUL



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**Builders Yard Adjacent To
9 Back Heights Road
Thornton
Bradford BD13 3RP**

22 November 2023

Item: B
Ward: THORNTON AND ALLERTON
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
23/02885/FUL

Type of Application/Proposal and Address:

Full application seeking permission for the demolition of commercial buildings, construction of a detached dwelling and associated works at Builders Yard adjacent to 9 Back Heights Road, Thornton.

Applicant:
Mr Allan Hobbs

Agent:
Mr William Cartwright

Site Description:

This is a plot of land between 9 Back Heights Road to the east and 19 Back Heights Road to the west. It is suggested that 3 dwellings formerly occupied the site (13-17 Back Heights Road) but were demolished in the mid 20th century). The site now has a small workshop pre-fabricated garage and wood store on it. The levels rise from the Back Heights Road boundary to the back of the site. The site is in the Green Belt and is between part of a group of residential properties along Back Heights Lane on the edge of Thornton. Vehicular access is from the north-eastern corner of the site."text"

Relevant Site History:

16/06252/FUL - Resubmission of application referenced 15/02781/FUL for the construction of detached dwelling - Refused - Appeal Dismissed.

15/02781/FUL - Construction of detached dwelling – Refused.

11/05804/CLE - Existing use of land and buildings as builder's yard, open storage for building materials and equipment, workshop, parking and maintenance of mobile plant and vehicles, access/egress route for vehicles resulting from operational development and area for turning, parking and garaging – Granted.

98/00038/FUL - Construction of four bedroomed detached dwelling - Refused and dismissed on appeal.

96/01645/FUL - Erection of two 3-storey dwellings, and first floor extension to existing dwelling – Refused.

The National Planning Policy Framework (NPPF):

The NPPF is a material planning consideration on any proposal and confirms the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF says that local planning authorities should approach decisions on proposals in a positive and creative way to secure developments that will improve the economic, social and environmental conditions of the area. It requires that decision-makers at every level should seek to approve applications for sustainable development that accord with the statutory development plan.

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 following adopted Core Strategy DPD and saved RUDP policies are applicable to this proposal.

Core Strategy Policies

GB1 Green Belt
SC07 Green Belt
HO8 Housing Mix
SC9 Making Great Places
DS1 Achieving Good Design
DS3 Urban character
DS5 Safe and Inclusive Places
TR2 Parking Policy
EN7 Flood Risk
EN8 Environmental Protection Policy
SPD05 Planning for Crime Prevention SPD
SPD08 Householder SPD
SPD09 Sustainable Design Guide SPD "text"

Parish Council:

Not applicable.

Publicity and Number of Representations:

The application was publicised with neighbour notification letters and a press advertisement which expired on 22.09.2023. 8 representations have been received objecting to the application.

Summary of Representations Received:

Similar proposals have been refused on the site for many years.
Proposal would worsen existing highway safety problems.
Proposal would look out of place next to the nearby older properties.
Proposal would result in overlooking and overshadowing of neighbouring property.
Proposal would be out of keeping with surrounding property.
Proposal should be set further back into the site.

Consultations:

Rights of Way - The proposals do not appear to materially affect the public footpath.

Drainage - No objection raised.

West Yorkshire Police (D.O.C.O) - No objections raised. Design guidance provided to improve security.

Summary of Main Issues:

1. Principle of the Development.
2. Visual Amenity.
3. Residential Amenity.
4. Access and Highway Safety.
5. Drainage.
6. Other Planning Matters.

Appraisal:

1. Principle of the Development

Previous historic and similar applications for residential development on the site have been refused and dismissed at appeal primarily due to conflict with Green Belt Policy of the time but also including some general design and visual amenity concerns.

Since previously refused applications for similar development of the site there have been some significant changes in National Green Belt planning policy.

Updates to the National Planning Policy Framework has been introduced since previous resisted applications on the site and now forms the basis for Planning Policy and decision making. The Council has also updated its local Planning Policy with the introduction of the Core Strategy. The NPPF establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate other than under certain exceptions. One such exception is for limited infilling in villages.

It is established that the terms 'limited' and 'infilling' are not defined in the Framework and these are therefore essentially a question of fact and planning judgement. Considerations in terms of making appropriate judgement includes the nature and size of the development, the location of the application site and specifically its relationship to other, existing development adjoining and adjacent to the application site. The site is within a group of residential properties sited along Upper Heights Road and Back Heights Road in an outlying ribbon of residential properties which form part of Thornton.

In this case the development would be a single dwelling, relatively modest in proportion and appropriately scaled and sited in a gap between residential properties to the east and west on a plot on which it is understood formerly accommodated residential properties.

It is within this context of the group of residential properties along Back Heights Road that the development would be viewed rather than encroaching into countryside or an open pasture within the Green Belt. The site is also confirmed as being previously developed land under a previous certificate of lawfulness application reference 11/05804/CLE and which accepted the existing use of land and buildings as builder's yard, open storage for building materials and equipment, workshop, parking and maintenance of mobile plant and vehicles, access/egress route for vehicles resulting from operational development and area for turning, parking and garaging.

As such, the proposal represents a limited infilling within a village and unlike previous applications on the site and under paragraph 149 of the NPPF exception e), the development can no longer be considered to be inappropriate development within the Green Belt and accords with the above exception within the National Planning Policy Framework and is therefore now acceptable in principle with regard to the Green Belt.

Further, paragraph 11 of the National Planning Policy Framework requires that planning decision-takers should apply a presumption in favour of sustainable development which means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) 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.

For applications involving the provision of housing, the presumption applies in situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites; or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

That is acknowledged to be the situation in Bradford District, within which the latest Housing Delivery Test results published in September 2022 showed supply falling below this threshold.

The shortfall in the five-year supply of deliverable housing sites is therefore of significance. The site is not an asset of particular importance as defined in Footnote 7 of the Framework.

Therefore, the planning balance must lead to a conclusion that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits of securing more housing, when assessed against the policies in the Framework taken as a whole.

2. Visual Amenity.

The area is made up of stone built, traditional two storey properties and the proposal here would replicate traditional detailing and design, using natural stone and either natural or artificial slate roof.

The application also proposes to partly excavate the front part of the site to create a parking and turning area. Sections have been provided showing the existing and proposed levels along with a street-scene which is useful in portraying the relationship of the proposed dwelling with the adjacent properties. The proposals demonstrate that the proposed dwelling would be appropriate in design, scale and massing and would sit into the site such that the ridge height would blend appropriately with surrounding properties to the east and west.

Overall, the applicant has designed a dwelling and incorporated sympathetic detail to present a suitable scheme for the site. The proposal would offer a marked improvement on the appearance of the current site and the proposal is considered to accord with Policies DS1 and DS3 of the Core Strategy.

3. Residential Amenity

In terms of residential amenity, the proposal is acceptable and will not have any significant negative impact on the occupants of neighbouring dwellings.

There are residential properties to the east and west of the site.

The nearest neighbouring dwelling is 19 Back Heights Lane and with which the proposal would clear a 45 degree line taken from habitable room windows in the front elevation. The existing windows in the side elevation of 19 would be affected to some degree but as previously considered these appear to be secondary windows and in any case, they open over third party land on a boundary along which a 2m high fence is constructed. As a consequence, the current proposal is not considered to be harmful to residential amenity. No windows are proposed in the side elevation facing 19 to uphold privacy.

A distance of around 15.5m is retained to the back wall of 9 Back Heights Road which is sufficient to maintain natural daylighting and privacy, given that no windows are proposed in the side elevation of this property.

It is also acknowledged that the site has lawful use as a builder's yard and whilst not currently seeming to be used to any great degree could potentially be more intensively used in the future. A residential use of the site would better reflect surrounding neighbours and offer a more sympathetic use of the land with regard to residential amenity.

4. Access and highway safety

The proposed means of access off Upper Heights Road has never been considered to be problematic on previous application on the site. There is an existing access and given the lawful use of the site as builders yard, a residential use would be acceptable.

The proposal includes some improvements with regard to visibility splay to the east by re-aligning a wall.

The proposal indicates adequate space within the site for 2 x off-street car parking spaces, an electric vehicle charging point, cycle store and a turning facility within the development. Arrangements are made for bin storage and collection.

The proposal would not have any unacceptable effects on highway safety and is acceptable subject to the conditions.

5. Drainage

The Council's Drainage Officers have raised no objections to the proposal.

A standard condition is proposed requiring that the drainage works for the development shall not commence until full details and calculations of the proposed means of disposal of foul and surface water drainage have been submitted to and approved in writing by the local planning authority. The development shall then only proceed in strict accordance with the approved drainage details.

That would be consistent with the amenity of future occupiers and the effective drainage of the site and management of flood risk in accordance with Policies DS5, EN7 and EN8 of the Core Strategy.

6. Other planning matters

The site now comprises largely of crushed rubble covering and a variety of building materials and equipment. There is some planting to the front boundary, but the site provides limited biodiversity value.

The proposals include retention of the small tree to the front and improved landscaping and planting is proposed as are bat and bird boxes integrated in the dwelling. Condition is recommended to ensure use of appropriate planting of native species and biodiversity features.

It is also noted that the site lies within zone C of the SPA zone of influence and that appropriate habitat mitigation payment has been made.

On this basis the proposal would be considered to assist in an enhancement of biodiversity on the site."text"

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.

Reason for Granting Planning Permission:

The proposal is a limited infilling within a village and unlike previous applications on the site and under paragraph 149 of the NPPF exception e), the development can no longer be considered to be inappropriate development within the Green Belt and accords with the above exception within the National Planning Policy Framework. The proposal is now acceptable in principle with regard to the Green Belt. The proposed infill residential development is acceptable in principle and is supported by the presumption in favour of sustainable development.

The layout and scale of the dwellings would relate satisfactorily to local character and would not harm the setting of nearby heritage assets. The impact of the proposal on the occupiers of neighbouring properties has been assessed and the scheme meets normal requirements and would not have a significant adverse effect on residential amenity.

The proposal raises no issues for highway safety. The proposals are not opposed by the Council's Drainage Section.

This proposal is in accordance with relevant Core Strategy Policies and the NPPF.

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 commences on site, arrangements shall be made with the Local Planning Authority for the inspection of all 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, DS3 and EN3 of the Core Strategy Development Plan Document.

3. Prior to the first occupation of the hereby approved dwellings, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall show the following details:
 - i) Position of any trees to be felled, trees to be retained, proposed trees and defined limits of shrubs and grass areas.
 - ii) Numbers of trees and shrubs in each position with size of stock, species and variety.
 - iii) Types and scale of enclosures (fences, railings, walls).
 - iv) Types of hard surfacing (pavings, tarmac, etc).
 - v) Regraded contours and details of changes in levels.

Reason: In the interests of visual and residential amenity and to accord with Policies DS1, DS2 and DS3 of the Core Strategy Development Plan Document.

4. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: To achieve a satisfactory standard of landscaping in the interests of amenity and to accord with Policies DS1, DS2 and DS3 of the Core Strategy Development Plan Document.

5. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no further windows, including dormer windows, or other openings shall be formed in the side elevations of the hereby permitted dwelling without the prior written permission of the Local Planning Authority.

Reason: To safeguard the privacy and amenity of occupiers of neighbouring properties and to accord with Policy DS5 of the Core Strategy Development Plan Document.

6. Before the development is brought into use, the associated off street car parking facility shall be laid out, hard surfaced and drained within the curtilage of the site in accordance with the approved drawings. The gradient shall be no steeper than 1 in 15.

Reason: To support the effective regulation of car parking provision serving the development, in the interests of amenity and highway safety, and in accordance with Policy TR2 and Appendix 4 of the Core Strategy Development Plan Document.

7. Before any part of the development is brought into use, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, surfaced and drained within the site in accordance with the approved plans.

Reason: To ensure that a suitable form of access is made available to serve the development in the interests of highway safety and to accord with Policy TR2 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

8. Prior to the first occupation of the dwelling hereby permitted a minimum of one electric vehicle charging point shall be provided on the site, which shall be retained fully operational whilst ever the use subsists.

Reason: To facilitate the uptake of electric powered vehicles and to reduce the polluting impact of traffic arising from the development in line with the Council's Low Emission Strategy and National Planning Policy Framework.

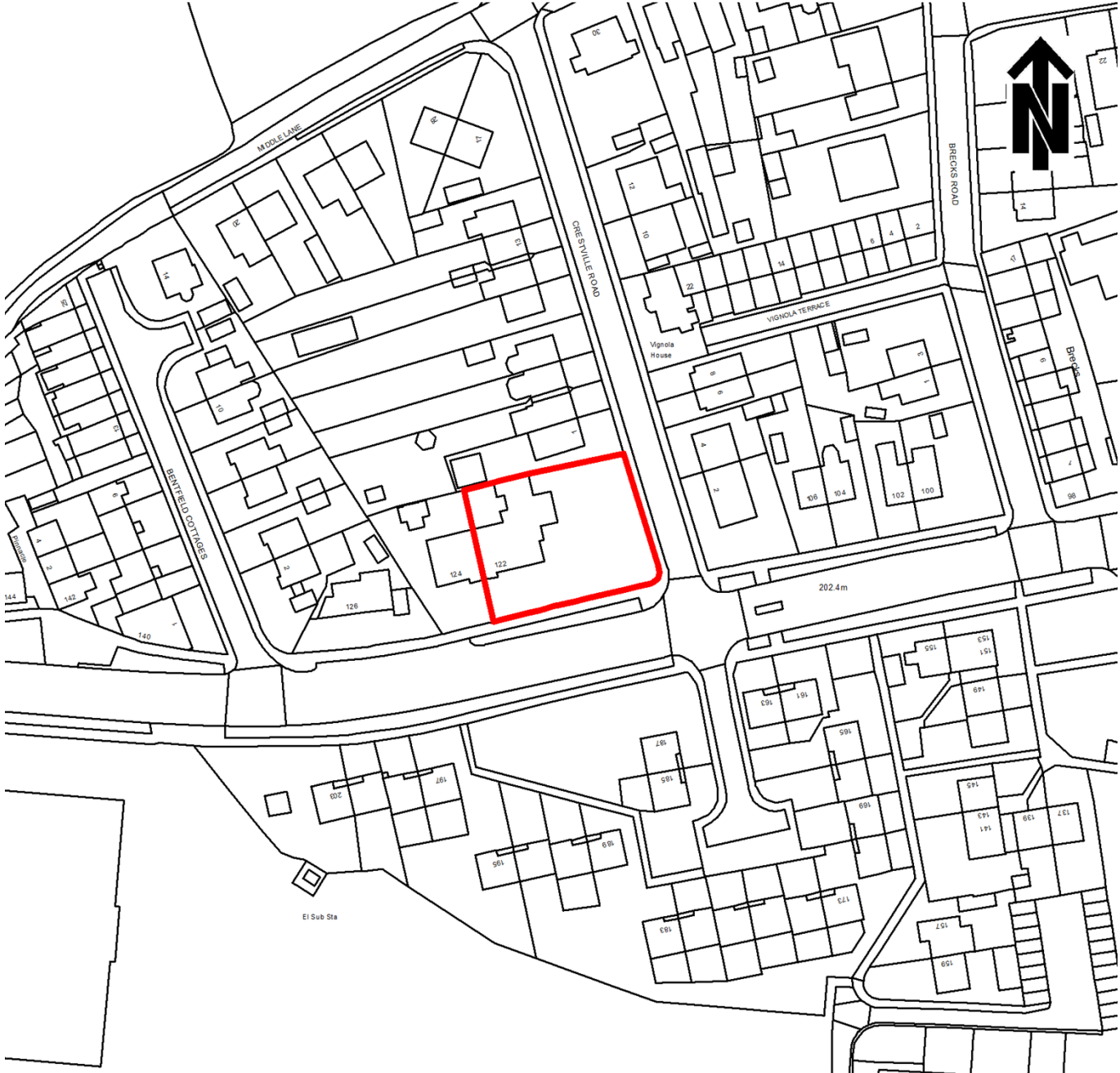
9. Notwithstanding details contained in the supporting information, the drainage works for the development shall not commence until full details of a scheme for separate foul and surface water drainage, including any existing water courses, culverts, land drains and any balancing works or off-site works 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. The development shall incorporate the inclusion of bat and bird roost and nest features, such as bat bricks or roof tiles or swift bricks in the design of the houses. Prior to the occupation of the dwellings, details of the numbers, specification and location of such features shall first be submitted to, and approved in writing by the Local Planning Authority and the development completed in accordance with those approved details and thereafter the approved features will be retained.

Reason: To increase the biodiversity value of the scheme in accordance with the National Planning Policy Framework and Bradford Core Strategy Policy EN2.

23/02993/FUL



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**122 Bradford Road
Clayton
Bradford BD14 6DN**

22 November 2023

Item: C
Ward: CLAYTON AND FAIRWEATHER GREEN
Recommendation:
TO REFUSE PLANNING PERMISSION

Application Number:
23/02993/FUL

Type of Application/Proposal and Address:

Extension to side, hip to gable roof with front and rear dormers to existing dwelling.
Construction of 3 No dwellings in the side garden with extended dropped kerb on
Crestville Road at 122 Bradford Road, Clayton, BD14 6DN.

Applicant:

Mr Aqeel Waheed

Agent:

Paul Manogue – PD Architectural Services

Site Description:

The application site is 122 Bradford Road and includes the side garden area located on a corner plot with Crestville Road. The site slopes from west to east and houses a semi detached dormer bungalow and a series of dilapidated outbuildings. The boundary treatments comprise of a dry stone low boundary wall with tall trees and hedges. Current vehicular access is from both Bradford Road and Crestville Road.

Relevant Site History:

04/05299/OUT Residential development to the side of property GRANT 17.01.05.

The National Planning Policy Framework (NPPF):

The NPPF is a material planning consideration on any proposal and confirms the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF says that local planning authorities should approach decisions on proposals in a positive and creative way to secure developments that will improve the economic, social and environmental conditions of the area. It requires that decision-makers at every level should seek to approve applications for sustainable development that accord with the statutory development plan.

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 following 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

HO5 Density of Housing Schemes

HO9 Housing Quality

SC9 Making Great Places

TR2 Parking Provision

SPD08 Householder SPD

SPD12 Homes and Neighbourhoods - A guide to designing in Bradford

Parish Council:

Clayton Parish Council – No comments.

Publicity and Number of Representations:

The application was advertised by individual neighbour notification. Expiry Date 30 September 2023. Two objections have been received.

Summary of Representations Received:

- Loss of privacy.
- Loss of light.
- Parking problems.
- Disruption from building work.
- Overdevelopment of land.
- Difficult use of proposed access/entry to proposed parking spaces.
- Loss of a street light to accommodate parking close to the junction would make it difficult for road users.
- Congestion and issues with road users and children.

Consultations:

Highways – Not supported; The proposal fails to demonstrate existing and proposed vehicular access arrangements and provide suitable pedestrian sightlines at these access points likely to result in conditions prejudicial to pedestrian safety.

West Yorkshire Police – No response.

Drainage – No comments.

Summary of Main Issues:

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

Appraisal:

1. Principle:

This application is seeking planning permission for a side extension, hip to gable roof with front and rear dormers to existing dwelling. The rear dormer and hip to gable roof extensions cannot be considered as permitted development as the roof of the side extension and combination of the hip to gable and rear dormers will exceed the permitted development volume for a semi-detached dwelling and therefore are not in line with the requirements of Town and Country Planning (General Permitted Development) (England) Order 2015 (Schedule 2 Part 1 Class B).

The proposal also seeks to construct a row of 3 terraced dwellings in the side garden with extended dropped kerb on Crestville Road; seeking to provide 3-bedroom accommodation split over three floors by utilising the roof. It should be noted that the site has previously received outline planning permission for residential development under application no. 04/05299/OUT, which has now lapsed.

The application is set against a backdrop where there is a need for the Council to provide appropriate housing land. The NPPF stresses the need for local planning authorities to significantly boost the supply of new housing. The adopted Core Strategy (CS) underscores this strong planning policy support for the delivery of new housing, emphasising that one of the key issues for the future development of the District is the need to house a growing population by delivering 42,100 new residential units by 2030. The Council's Five Year Housing Land Statement (2018-2023) indicates that the deliverable supply currently stands at 2.06 years. In light of the housing land supply shortfall relative to the requirements of the NPPF, there is an urgent need to increase the supply of housing land in the District.

Furthermore, the NPPF also observes that housing applications should be considered in the context of the presumption in favour of sustainable development, and local planning authorities should encourage the effective use of land. The application site is close to existing infrastructure such as shops, other facilities and public transport within the urban envelope of Clayton.

On a local level, the Council's former Replacement Unitary Development Plan policy has been superseded by the Core Strategy Development Plan Document July 2017; however, some policies of the RUDP have been retained and are still applicable. Additionally, there is the adoption of the Householder Supplementary Planning Document April 2012 and the Homes and Neighbourhoods: A Guide to Designing in Bradford Supplementary Planning Document February 2020. The policies detailed above are relevant in the assessment of the proposed development. The site is unallocated in the RUDP and is within a wholly residential setting. The development achieves the required housing density of which is compliance with the requirements of Policy HO5 of the Core Strategy which seeks to ensure that land is used efficiently. The principle of residential development in this location has previously been established and therefore, considered to be acceptable subject to an assessment of the other material considerations.

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

The Core Strategy DPD and Revised NPPF require that development proposals make a positive contribution to achieving good design and high quality places. Core Strategy Policy SC9 directs that development proposals should take opportunities to improve areas, create a strong sense of place, and provide a well-connected network of attractive routes and spaces.

Policies DS1, DS2, and DS3 of the Core Strategy DPD set out a number of criteria against which the LPA will assess development proposals. The criteria include that, among others, proposals should create a strong sense of place and be appropriate to their context in terms of layout, scale, density, details, materials, and landscaping.

The proposed row of terraced dwellings would be located in the side garden of 122 Bradford Road with vehicular access off 1 Crestville Road and will be positioned alongside the existing semi detached bungalow with a separation distance of 1.9 metres and due to being over three floors will be quite dominant as a result. The scale and appearance of the row of terraces would differ from those immediately surrounding the site in that the adjacent dwelling no. 122 is a semi-detached bungalow and there are two-storey semi-detached dwellings to the rear. It is considered that the height and design of the proposed dwellings will dominate the plot and be of disproportionate scale when compared to neighbouring bungalow and slightly higher than properties to the rear resulting in a discordant, overbearing and incongruous feature in the street scene which consists of modest single storey bungalows on Bradford Road. The proposal will have an unacceptable impact on visual amenity and the street scene and is contrary to policies D1 and DS3 of the Councils Core Strategy Development Plan Document and the National Planning Policy Framework.

Further to the above there are also concerns with regards to the ground floor rear elevation of plot 3 which lies adjacent to the parking areas to the rear. Principle 3.7 of Homes and Neighbourhoods SPD states that proposals must demonstrate that elevations have good proportions, to be well-balanced, with a consistent design approach. There are no windows proposed on the ground floor of this elevation and therefore giving a visually disproportionate appearance which in addition is not an active frontage when viewed from Crestville Road and would create a dark area not overlooked leading to opportunities for crime and anti-social behaviour contrary to Policies DS1, DS3 and DS5 of the Core Strategy Development Plan Document and Principle 3.7 of the Homes and Neighbourhoods - A guide to designing in Bradford SPD.

The agent has agreed to change the proposed facing materials from artificial stone and concrete roof tiles to natural stone and roof tiles to match the adjacent bungalow therefore the proposed development will accord with Policies SC9, DS1 and DS3 of the Core Strategy Development Plan Document.

The layout would involve the large part of the rear gardens of the proposed dwellings being dominated by parking/access which would be directly adjacent to the neighbouring dwelling 1 Crestville Road. 'It is important that parking is located within new developments so that it supports the overall quality of the area and does not detract away from the character and quality of street scenes.' Para 5.2.27 of the Core Strategy Development Plan Document. When parking is integrated, well-designed, and provided in the right locations, cars are less likely to be parked inappropriately, which improves the quality of the street scene. The arrangement proposed does not successfully integrate parking or reduce vehicle domination and it would detract from the quality of the development and it would impact on residential amenity. Therefore, the scheme is not in accordance with principle 2.15 in the Homes and Neighbourhoods Guide and Policies DS4 and DS5 of the Core Strategy Development Plan Document.

Extensions:

The proposals also seek to add a side extension 3 metres in width the full length of the dwelling and to be in line with the main frontage of the dwelling and a height to match the main dwelling. Although it is sometimes possible to design an extension so that it appears to be part of the original house provided the design, building materials and workmanship are of high quality, this approach can work well for extensions to detached houses and extensions to the end of uniform terraces. However, this approach is not appropriate for extensions to semi-detached properties. Single storey side extensions should normally be positioned behind the front wall of a house. This will help to make an extension appear subordinate and preserve the original design of a house. In this instance the extension does not provide the required setback and therefore does not appear subordinate to the main dwelling. Adjacent dwellings are a mix of single storey and two storey semi-detached dwellings with hipped roof designs and therefore the distinction is prominent and increasing the roof height will harm the symmetry of the pair of semi detached dwellings, causing the dwelling to be noticeably different to other dwellings in the vicinity of the site.

The proposed front dormer extensions would be located on both the main roof and the single storey side extension and proposes widths of 3metres each. On page 24 of the Housholder SPD it states the roofline of a building is one of its most important features and the scale of proposed dormer extensions should not be over dominating. The dormer extensions are set down from the ridge and up from the front and have sufficient separation between them and to each side, their large scale and positioning across the main roof and the side extension is considered to dominate the roof. They further unbalance the pair of semi detached properties and do not relate positively to the open character of the area.

The rear dormer extension has been carried across the full width of the dwelling including the side extension and cannot be classed as permitted development. The rear dormer dominates the roof and does not comply with policy requirements.

3. Impact on Neighbouring Occupants:

The key considerations in respect to residential amenity are considered to be the potential of the proposal to result in overlooking and overshadowing of neighbouring properties and whether oppression would occur from the size, scale and massing of the development. The dwellings will be positioned alongside the existing semi detached bungalow with a separation distance of 1.9 metres and due to being over three floors will be quite dominant as a result. The proposal will achieve a distance of 6.8 metres to the rear boundary and approx 9.5 metres to the side elevation of 1 Crestville Road. Although these distances are substandard with the site sitting at a similar level to the dwellings of 1 Crestville Road and approx 1 metre lower than the adjacent bungalow, they would not result in overshadowing of habitable room windows of neighbouring dwellings.

In terms of overlooking the distance from habitable to non-habitable rooms is sub-standard as the Homes and Neighbourhoods SPD principle 3.6 requires a distance of 10.5 metres to a curtilage boundary which is not achieved. In addition, there would also be some overlooking from the rear elevation of plot 1 into the rear garden area of 1 Crestville Road especially as the distances required to the boundary are not achieved. In light of this concern, the agent has amended the plans adding obscurely glazed windows and high level opening windows.

Although this change addresses the concern at first floor it does not address this at second floor but as these windows are non-habitable bathroom windows a condition requiring obscure glazing and high level opening should be sufficient to prevent any overlooking. Notwithstanding this, it is considered that the use of obscure windows to habitable room windows results in there being no outlook for the prospective resident. These windows would provide little outlook opportunities, it is deemed detrimental for the living conditions of these future occupants, but it also adds to the concerns with regard to the incompatibility of the development.

Policy DS5 of the Core Strategy Plan Document states that proposal should, 'not harm the amenity of existing or prospective users and residents.' Guidance within the Homes and Neighbourhoods a Guide to designing in Bradford, Section 3.0, Principle 3.2 states that the Nationally Described Space Standards (NDSS) provide best practice guidance on gross internal floor areas, based on the number of bedrooms and bed spaces. The Council uses the NDSS to assess the suitability of internal space of proposed new homes. The NDSS states that the minimum gross internal floor areas and storage for a three storey 3-bedroom property providing accommodation for 5 persons should be 99sqm. The proposed dwelling has a gross internal floor area of 104sqm, which meets the 99sqm which is recommended in NDSS. Furthermore, a dwelling with two or more bedspaces must have at least one double (or twin) bedroom. In this instance there are 2 bedrooms which are double and meet the required 11.5sqm. This would result in an adequate standard of amenity being afforded to the future occupants of this dwelling. As such, the proposal is considered to comply with policies DS5 and HO9 of the Core Strategy Development Plan Document and the aforementioned Supplementary Planning Document.

In terms of the future amenity of the occupants the proposal will provide a proportioned 3 bedroom dwelling with all habitable rooms afforded access to adequate natural light. The Homes and Neighbourhoods SPD Principle 3.5 requires that all homes must have direct access to private outdoor space. Development proposals must demonstrate that outdoor space is sized appropriately, and has the potential to introduce planting, seating and storage. The scheme is for 3 three bedroom dwellings and provides very small rear gardens with a minimum depth of 5.7 metres for plot 2 and 6.9 metres for plot 1 and plot 3 has been allocated the side garden. Given the area consists of larger and more spacious gardens it is considered that the amount of amenity space of the proposed dwellings on plots 1 and 2 are not it keeping with the character and form of amenity spaces found in the surrounding area and is therefore not in keeping with the character and form of the area.

Extensions:

The front dormer extensions will not result in direct overlooking of neighbouring habitable room windows or, private external amenity space and replicate a relationship common within the street scene. Although the rear dormers may have an element of overlooking this would be at a low level and the rear boundary treatment is considered sufficient to prevent any overlooking at this level. As such there will be no harm to the amenity of neighbouring residents. This element of the proposal is therefore in accordance with DS5 of the Core Strategy Development Plan Document.

Design Principle 3 of the Approved Householder SPD states that extensions should not have an over dominating physical presence that damages the outlook of neighbours, or unacceptably reduce natural daylight reaching any neighbours property. The proposed side extension will sit 0.8 metres to the common boundary with plot 1 which is a proposed terraced row of 2½ storey dwellings. There are no windows proposed on the side elevation of plot 1 therefore the proposal is considered to have an appropriate impact on neighbouring occupants. As such complies with advice in Householder SPD and there would be no adverse overshadowing or overbearing effect on the future occupants of the neighbouring dwelling.

Design Principle 2 of the Approved Householder SPD looks at extensions and alterations which should not cause unacceptable harm to the privacy of neighbours. The side extension does not propose any windows on the side elevation and the introduction of windows on this elevation would not be detrimental given that this elevation faces a proposed blank wall of plot 1. 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 proposal is therefore in accordance with policy DS5 of the Core Strategy Development Plan Document.

4. Impact on Highway Safety:

The Highways officer has previously raised concerns with the submitted scheme which were forwarded to the agent and amended plans have been received aiming to address the concerns. Despite this the amended scheme was again not considered to address all the issues raised and further amendments were provided, the second set of amendments are still not supported by the Highways officer in its current form.

The proposed development site is located at the junction of Bradford Road with Crestville Road and there is an existing bus stop along the site frontage on Bradford Road. The proposal involves the creation of a new dropped vehicular crossing and drive to 122 Bradford Road as well as one new and one extended vehicular dropped crossing on Crestville Road. It is also noted that the existing vehicular crossing on Bradford Road (which would have to be closed off and returned to full footway status) has also not been shown on the plan and the 'Existing dropped kerb' referred to on the plan (on Crestville Road) would appear to be in the wrong location. Therefore, the proposal has not clearly demonstrated that vehicles can park up and exit driveways safely at plots 1 and 3 and this would be detrimental to pedestrian and cyclist safety by reason of lack of footway visibility splays and vehicles overhanging the footway.

In light of the above concerns the proposal fails to accurately demonstrate existing and proposed vehicular access arrangements and provide suitable pedestrian sightlines at these access points likely to result in conditions prejudicial to pedestrian safety contrary to policy TR2 of the Core Strategy Development Plan Document.

5. Other matters:

Objections have been received with regards to privacy, loss of light and overdevelopment of land which have been addressed within the body of the report. The parking and access arrangements have been considered under Highway Safety.

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.

Reasons for Refusal:

Dwellings:

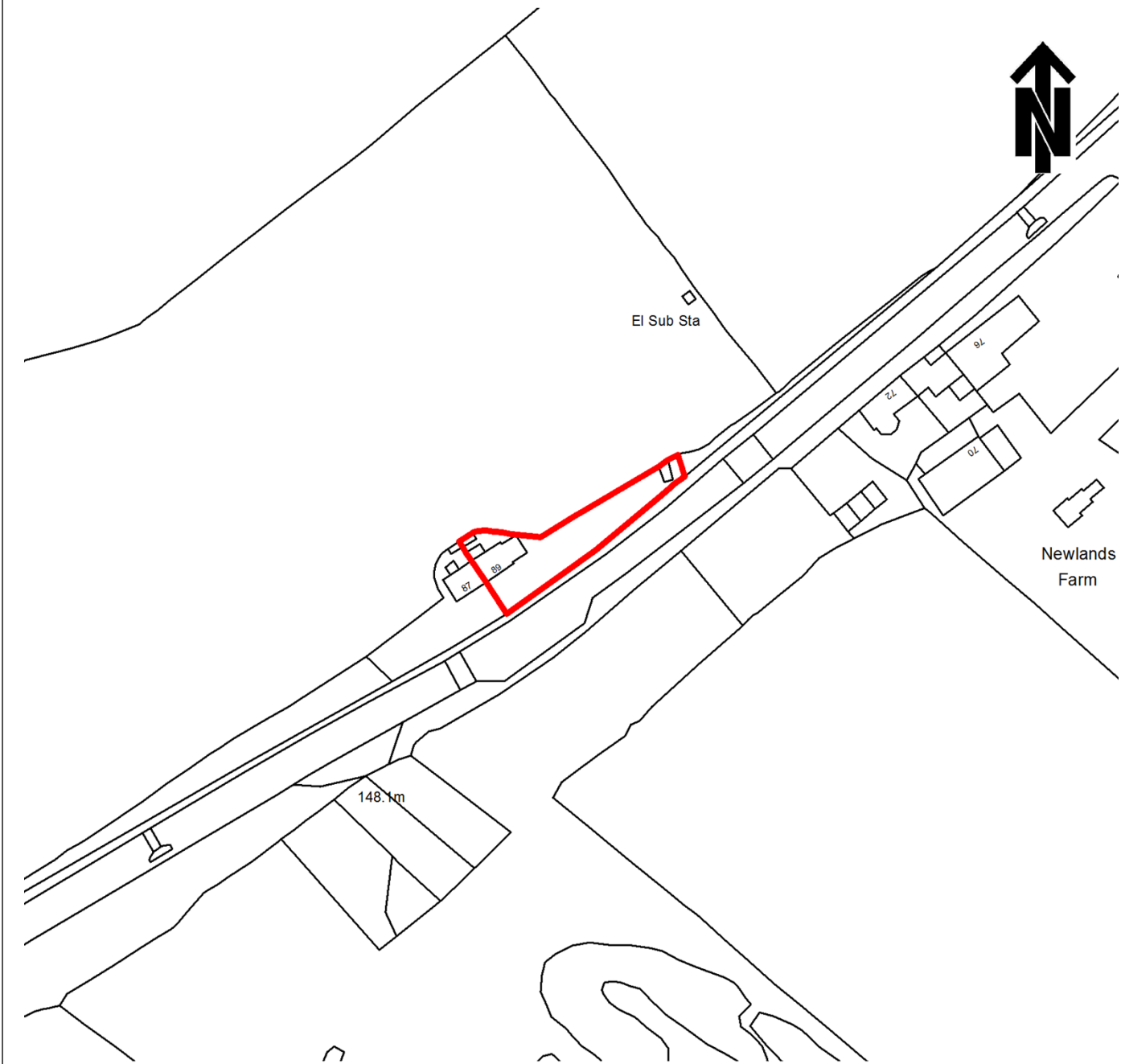
1. The proposed row of terraced dwellings in terms of design and height will dominate the plot and be of disproportionate scale when compared to neighbouring bungalow and surrounding properties. Furthermore, the additional height, bulk and scale appears unbalanced and is considered to create detrimental incongruous feature that is harmful to both the adjacent bungalow and the character and form of the area. The proposal therefore fails to accord with Policies DS1 and DS3 of the Core Strategy Development Plan Document and the National Planning Policy Framework.
2. The application does not appear to propose any windows and openings on the ground floor rear elevation of plot 3 and will be quite stark and blank giving a visually disproportionate appearance which is not an active frontage when viewed from Crestville Road. This would create a dark area not overlooked leading to opportunities for crime and anti-social behaviour contrary to Policies DS1, DS3 and DS5 of the Core Strategy Development Plan Document and Principle 3.7 of the Homes and Neighbourhoods - A guide to designing in Bradford SPD.
3. The proposal would fail to provide adequate outlook to the bedroom and study rooms at first floor of plot 1. For this reason, the proposal would result in sub-standard living conditions for the future occupants and so fails to accord with policies DS5 and HO9 of the Core Strategy Development Plan Document.
4. The layout would involve the large part of the rear garden of the proposed dwellings being dominated by parking/access which would directly abut the neighbouring dwelling 1 Crestville Road. This arrangement does not successfully integrate parking or reduce vehicle domination and it would detract from the quality of the development and it would impact on residential amenity. Therefore, the scheme isn't in accordance with principle 2.15 in the Homes and Neighbourhoods - A guide to designing in Bradford SPD and Policies DS4 and DS5 of the Core Strategy Development Plan Document.
5. The proposal fails to accurately demonstrate existing and proposed vehicular access arrangements and provide suitable pedestrian sightlines at these access points likely to result in conditions prejudicial to pedestrian safety contrary to policies DS4 and TR2 of the Core Strategy Development Plan Document.

Extensions:

6. The front dormer extensions due to their size, scale and location would result in the over-dominance of the roof slope and would disrupt the symmetry of the dwelling and would unbalance this pair of semi-detached properties to the detriment of the character and appearance of the host property and the wider area. For this reason, the proposal would result in visual harm contrary to the Council's Householder Supplementary Planning Document and policies DS1 and DS3 of the Core Strategy Development Plan Document.

7. By reason of the lack of set-back from the principal elevation, the side extension would unbalance this pair of semi-detached properties which sit within a prominent position in the locality. This would be to the detriment of visual amenity and would conflict with policies DS1 and DS3 of the Core Strategy Development Plan Document.

23/02424/HOU



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**89 Tong Lane
Tong
Bradford BD4 0RT**

22 November 2023

Item: D
Ward: TONG
Recommendation:
TO REFUSE PLANNING PERMISSION

Application Number:
23/02424/HOU

Type of Application/Proposal and Address:

Demolition of existing rear extension and side conservatory. Construction of new 2 storey rear extension and single storey side extension. Replace cesspit with new septic plant with soakaway, and new access drive at 89 Tong Lane, Bradford, BD4 0RT.

Applicant:

Mr & Mrs Simon Dearn

Agent:

Nick Witcomb – Nick Witcomb Architectural Designs

Site Description:

The application site hosts a semi-detached dwelling located in an open area of green land with farmlands and associated buildings located at some distance around the site. The site also sits a considerable distance from Tong village southwest of the site. The dwelling is constructed from stone with stone slate roof tiles and has been extended with a conservatory to the side and single storey rear extensions. There is also raised decking to the rear and side of the dwelling and a detached garage and vehicular access to the strip of land to the side of the dwelling.

The application site is within the Tong Valley Landscape Character Area as defined by the Landscape Character Supplementary Planning Document. This is characterised as enclosed pasture between the Leeds and Bradford conurbations.

Relevant Site History:

23/00906/HOU Demolition of existing rear extension and side conservatory. Construction of two storey rear extension and single storey side extension; replace existing cesspit with septic tank and soakaway; new access drive WDN 05.05.23.

02/00401/LBC Rebuilding of ground floor extension to accommodate addition of first floor bedroom over also alterations to dining room and utility area LBC Not Required 18.03.2002.

02/00384/FUL New first floor bedroom and alterations to dining room and utility area GRANT13.03.2002.

00/01249/FUL Construction of conservatory to side of dwelling and erection of new single garage GRANT 28.06.2000.

The National Planning Policy Framework (NPPF):

The NPPF is a material planning consideration on any proposal and confirms the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF says that local planning authorities should approach decisions on proposals in a positive and creative way to secure developments that will improve the economic, social and environmental conditions of the area. It requires that decision-makers at every level should seek to approve applications for sustainable development that accord with the statutory development plan.

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 following adopted Core Strategy DPD and saved RUDP policies are applicable to this proposal.

Core Strategy Policies

DS1 Achieving Good Design

DS3 Urban character

DS5 Safe and Inclusive Places

SC7 Greenbelt

SPD08 Householder Supplementary Planning Document

Parish Council:

Not applicable.

Publicity and Number of Representations:

The application was advertised by individual neighbour notification. Expiry Date 5 August 2023. Fourteen representations have been received supporting the proposals.

Summary of Representations Received:

- No impact on Greenbelt.
- High quality design.
- Visual improvement.
- Improve the building.

Consultations:

None.

Summary of Main Issues:

1. Principle of Development.
2. Impact on Residential Amenity.
3. Impact on Visual Amenity.
4. Impact on Highway Safety.
5. Other matters.

Appraisal:

1. Principle of Development

The application site is situated in a rural location within an area allocated as greenbelt. The proposals seek to demolish the existing rear extension and conservatory and construct a two storey rear extension and single storey side extension, replace cesspit with new septic plant with soakaway, and new access drive. Whilst no details of the septic plant with soakaway have been provided these are underground systems and therefore not envisaged to require planning permission. The proposals are to take place within the curtilage of an existing dwelling that is neither a listed building nor within a conservation area and so is not statutorily protected from such works.

Town and Country Planning (General Permitted Development) (England) Order 2015. Specifically, Schedule 2 Part 2 Class B allows a means of access to a highway provided the access is not a trunk road or a classified road. In this instance the creation of the access would not require planning permission but the paved entrance and driveway would be classed as an operation under Section 55 of the Town and Country Planning Act 1990 which, defines development as the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land. As permitted development rights for operational development apply within the curtilage of a single private dwellinghouse planning permission is not required for this element of the application.

Impact on Greenbelt:

The Government attaches great importance to Green Belts. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Policy SC7 of the Local Plan for the Bradford District: Core Strategy Development Plan Document states that the Green Belt in the District has a valuable role in conserving countryside. It is thus broadly consistent with the Framework, which states that one of the purposes of the Green Belt is to assist in safeguarding the countryside from encroachment. However, it does not express a clear policy for dealing with specific development proposals.

A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. However, one of the exceptions cited (para 149(c)) is the extension of a building provided that it does not result in disproportionate additions over and above the size of the 'original building'.

The Council's Householder SPD states that if a dwelling is within the Green Belt, extensions including garages and outbuildings, should not result in a disproportionate addition over and above the size of the dwelling as originally built or as existed on 1 July 1948 (as set out in the NPPF Glossary). Where proposals result in an addition of over 30% of the original cubic volume, they are likely to be considered disproportionate. Whilst, numeric limits are commonly used, other factors, such as the form of a development also need to be considered in establishing whether an extension would result in a disproportionate addition.

The main dwelling appears to have been extended by single storey additions to the side and rear, there is raised decking to the side and rear and a detached garage located within the long strip of land to the side of the dwelling. A previous planning application granted permission for a first floor rear extension under application no. 02/00384/FUL. This application was considered acceptable in terms of greenbelt and not represent a disproportionate addition to the main dwelling. The agent has provided measurements of the main dwelling and previously approved extensions and although there are some minor discrepancies in terms of calculations overall these are accepted. Therefore, the existing house measures 292.944m³ and previously approved extensions add up to 102.635m³ this is an increase of 35%. Although this is more than the 30% guide these would still be acceptable given the form, scale and design not appearing as disproportionate additions.

The agent has also provided calculations of the proposed scheme which are disputed as the measurements taken from the proposed scheme do not fully include the external ground level of the extension whereas these ground levels have been used on the existing measurements. Instead, these are taken from a raised level which in itself raises questions with regards to the accuracy of the plans. Nonetheless, these measurements have been redone. The agent has stated that the combination of all the extensions proposed excluding the detached garage would equate to an increase of approximately 140.875m³. Officers have re-measured these using the correct heights proposing an overall increase of 164.238m³, this equates to an overall increase of 56% from the parent dwelling and 21% more than previously approved (2002) extensions.

Openness is an essential characteristic of the Green Belt and given the large footprint of what is proposed and large panels of glazing to the first floor and despite there being screening from shrubs the extension would still be partially visible from the highway. Therefore, it is considered that there would be a material loss of openness within this area of Green Belt and regardless of screening, the increased footprint and volume would reduce the openness of the Green Belt both spatially and visually.

The agent/applicant have also raised the question of there being previous outbuildings within the sites curtilage which they believe existed prior to 1948. It has been stated that a map showing these buildings was supplied with the 2002 approved application, but approval of the map does not confirm that it was accepted as being from 1948; the officer report is quite clear and does not assess the application on this basis. Officers have looked at several maps dated around 1948 which do not show the outbuildings being present from this period and therefore cannot be considered as part of the original building. For the purposes of this application the volume calculation has not included these outbuildings as these appeared to have been constructed at some point between 1956 and 1975.

Notwithstanding this, if the outbuildings are to be considered as part of this application the Court ruling of *Sevenoaks District Council v SSE and Dawe [1997]* is relevant in that an existing detached domestic outbuilding could be considered as part of the dwelling and, therefore the outbuilding/s could be regarded as an extension to the house in some circumstances. In this instance the outbuildings would have appeared to sit at a significant distance from the associated dwelling thus not located in a position that would be considered to be within the principle of the case of Dawe as they do not visually relate well to the parent dwelling. In addition, without building heights and photos it would be difficult to ascertain the size and use. Therefore, due to the separation distance to the parent dwelling it is not reasonable to consider the outbuildings as extension/s to the dwelling.

Landscape character:

The application site occupies a roadside position and is visible to users of the bounding highway and surround farmland/fields. The proposed extension would be contained within the host property's residential curtilage leaving little room to the rear common boundary. Although the parent building sits close towards the highway on Tong Lane the proposal would be more visually prominent from both Tong Lane and further a field, where it would have an adverse visual impact as an overly intrusive extension due to a combination of its size, position and excessive glazing. Although it is noted that part of the structure would be hidden behind some planting which would only conceal from view in the summer months the level of screening from landscaped boundaries could change over time, resulting in an increase in the prominence of the proposed outbuilding. Therefore, the overall size and position would mean that it would erode the spaciousness of this part of the site and be an overly prominent feature introduced into the rural street scene.

2. Impact on Residential Amenity

The rear extension proposes a depth of 2.4 metres and introduces a continuation of the roof slope of the parent dwelling which is acceptable visually but the addition of a splay corner at first floor level raises issues in terms of visual amenity and would dominate the host building. As such the proposals do not accord with Design Principles 1 of the Council's adopted Householder Supplementary Planning Document (SPD) which requires that extensions should not appear to dominate the original house or neighbouring properties, contrary to policies DS1 and DS3 of the Core Strategy Development Plan Document.

The proposals also seek to add a single storey side extension 4.5 metres in width the full length of the dwelling with a splay corner following the rear boundary and to be in line with the main frontage of the dwelling. Design Principle 1 requires single storey extensions, which normally appear subordinate due to their lesser height, to have a minimal set-back of 150mm to avoid an awkward junction in materials. In this instance the extension does not provide the required setback and proposes a flat roof with parapet stone detailing projecting the front elevation and would not appear to relate to the main dwelling in terms of design resulting in an awkward junction and visually intrusive.

Design Principle 5 of the Householder SPD requires that the layout, proportions and design of new windows and doors should complement the original building and that new windows should normally be aligned with existing windows and be of similar proportions and size with the ratio of solid wall to window openings should normally be similar to that of the original house. This application sees the introduction of large sections of glazing to both the side and rear elevations of the extension at first floor level and would appear visually intrusive, look disruptive and harm the overall look of the resulting building and would appearing as an disproportionate addition, contrary to policies DS1 and DS3 of the Core Strategy Development Plan Document, which requires development proposals to reinforce the existing character of the settlement and to integrate with their surroundings.

Design Principle 4: looks at materials which should match or be sympathetic to the original walling and roofing materials. The materials proposed match those on the existing dwelling.

3. Impact on Visual Amenity

Design Principle 3 of the Approved Householder SPD states that extensions should not have an over dominating physical presence that damages the outlook of neighbours, or unacceptably reduce natural daylight reaching any neighbours property. The rear extension sits close to the shared boundary with the attached semi and has an overall projection of 2.4 metres and does not project beyond a 45 degree line taken from the edge of the nearest habitable window. Therefore, due to the current layout of the neighbouring property the proposals are considered to have an acceptable impact on neighbouring occupants and will not have an adverse impact on their light, will not be overbearing on them and will have an acceptable impact on their outlook.

There are no windows proposed on the side elevation of the extension facing the rear garden of the attached semi and to prevent future potential overlooking, permitted development rights for new openings in the side elevation should be removed. The proposals are not considered to raise any significant overlooking issues to private outdoor amenity areas or habitable room windows. As such this proposal is considered to be in accordance with Policy DS5 of the Core Strategy Development Plan Document and the Council Approved Householder Supplementary Planning Document.

4. Impact on Highway Safety:

No impact.

5. Other matters:

Fourteen representations have been made supporting the proposals majority of which do not live in close proximity to the site ie within 100 metres. Nonetheless, the issues have been addressed within the body of the report.

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.

Planning balance and Reasons for Recommendation:

The NPPF requires decision-makers to ensure that substantial weight is given to any harm to the Green Belt. Other considerations weighing in favour of the development must clearly outweigh this harm. In this case, no substantive benefits have been cited by the agent. The development is therefore deemed as inappropriate development in the Green Belt.

Reasons for Refusal:

1. The site is located in the Green Belt and the scale and position of the proposed extensions would result in a significantly bulkier building due to the increase in volume and floor space. The extensions would constitute a disproportionate addition over and above the size of the original building. Accordingly, the proposal would not fall under any of the exceptions listed in the National Planning Policy Framework (NPPF) and so would be inappropriate development in the Green Belt and is considered to conflict with policies SC7 of the Core Strategy Development Plan Document and not accord with design guidance in the adopted Householder Supplementary Planning Document.

2. By reason of its poorly designed form, bulk, the splay corner and excessive glazing to the first floor of the dwelling will be harmful to the character of the host property, appear visually intrusive, look disruptive and harm the visual amenity of Tong Valley Landscape Character Area. As such the proposal is considered to conflict with policies DS1 and DS3 and EN4 of the Core Strategy Development Plan Document and does not accord with design guidance in the adopted Householder Supplementary Planning Document and Landscape Character Area Supplementary Planning Document.