

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No: 2018/62/90677/W

Site Address: 98, Halifax Old Road, Birkby, Huddersfield, HD2 2RP

Description: Change of use and alterations to dwelling (Use Class C3) to form House of Multiple Occupation (5 bedrooms) (Use Class C4), installation of rooflights to front and rear elevation and window openings at semi-basement level (within a Conservation Area)

Recommending Officer: Adam Walker

DECISION – conditional full permission

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Teresa Harlow

AUTHORISED OFFICER

Date: 08-Aug-2018

Officer Report

Site Description

98 Halifax Old Road, Birkby. Dwellinghouse with basement and attic. External lift and steps from street level to front door. Stone construction with slate roof. Enclosed yard area to the rear. Surroundings comprise a mixture of residential, commercial and leisure uses. Travel agent adjoining the dwelling.

Description of Proposal

Change of use and alterations to dwelling to form a 5 bedroom HMO.

Alterations comprise:

- Creation of a new window opening at basement level to the front elevation and formation of lightwell
- Reopen previously blocked up window to basement at rear elevation, remove floor grillage adjacent to window to create lightwell with railings
- Remove brick wall to basement steps at rear of dwelling and replace with metal railings
- Form rooflight to the front and two rooflights to the rear. Remove existing rooflight at front and rear.

History of negotiations/amendments received

The original submission was described as change of use to 2 no. HMO apartments consisting of 7 bedrooms. Concerns were raised with the standard of amenity for future occupiers, especially in relation to the natural light and outlook of the rear basement bedroom and the amount of shared living space available for the future residents. In response the scheme has been amended to a 5 bedroom HMO.

Relevant Planning History

No relevant planning history.

Representations

None received.

Consultation Responses

No consultation undertaken.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 48 of the National Planning Policy Framework (2018). In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2018), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The site lies within a local centre and the Birkby Conservation Area on the UDP Proposals Map. The site is designated as being within the Birkby Conservation Area in the Kirklees Publication Draft Local Plan.

- Access considerations

An existing lift to the front of the dwelling is shown as being retained.

Kirklees Unitary Development Plan:

BE1 – Design principles
BE2 – Design of new development
BE5 – Development in Conservation Areas
T10 - Highway safety

Kirklees Publication Draft Local Plan (PDLP):

PLP24 – Design
PLP35 – Historic Environment
PLP21 – Highway safety

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 24th July 2018, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 4 Decision-making
- Chapter 12 – Achieving well-designed places
- Chapter 16 – Conserving and enhancing the historic environment

Assessment

The main issues with the application are the living conditions of the future occupiers of the HMO and the impact of the alterations on the Conservation Area.

Living conditions:

The amendments to the scheme have addressed my concerns with the standard of living conditions for future residents.

The rear basement bedroom has been omitted and replaced with a kitchen. The front bedroom to the basement has been retained but this will have an acceptable degree of natural light and outlook as a result of the proposed window and lightwell, with the window being partially above ground level. The kitchen and dining area in the basement will have restricted natural light and outlook but I am not unduly concerned about this given that the other main communal area (lounge) would not be restricted in the same way.

A greater amount of communal living space has been provided within the dwelling and the number of bedrooms has been reduced from 7 to 5. Two shared bathrooms and an en-suite bathroom in the attic are provided. The facilities are now acceptable for a 5 bedroom house in my opinion.

The development accords with Policy BE1 of the UDP, PLP24 of the emerging Local Plan and guidance in the NPPF.

Heritage considerations:

The proposed basement window and lightwell to the front elevation would not be overly obtrusive in my opinion and provided the window materials match the existing dwelling then there would not be any significant impact on the Conservation Area. The drawing indicates that the window is to have a lintel to match the existing windows and a stone surround.

The works to the rear involve reopening a previously blocked up window that serves the basement and creating a lightwell with railings; and removing some painted brick walls to the basement steps and replacing them with railing to allow more natural light to the basement doorway.

The rear elevation faces onto an enclosed courtyard area and these works are minor in nature and would not have any discernible impact on the Conservation Area.

The rooflights are shown as being low profiled conservation type. There are two small rooflights on the dwelling that are to be removed. I do not have any concerns with the rooflights.

The application accords with Policy BE5 of the UDP, PLP35 of the emerging Local Plan and guidance in the NPPF. Furthermore my assessment has taken into account the duty prescribed in Section 72 (1) of the T&CP Listed Buildings and Conservation Areas Act 1990.

Highway matters:

The existing dwelling has 4 bedrooms. The proposal will create a 5 bedroom dwelling to be occupied as a HMO.

The site is located within a local centre on the UDP Proposals Map.

The dwelling does not have any off-street parking and none is proposed.

The existing dwelling operates without any off-street parking and I do not consider that the proposals would materially alter the demand for parking.

Bins are currently stored at the rear of the dwelling. The proposed plans show a dedicated bin store with timber enclosure within the courtyard.

I consider the application to be acceptable in highway safety terms and in accordance with Policy T10 of the UDP and PLP21 of the emerging Local Plan.

Conclusion

Acceptable living conditions would be provided for the future occupiers of the HMO and the external alterations would preserve the character of the Conservation Area.

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation – Approve

Decision Authorisation - Delegated Powers

Application Number: 18/90677

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, in the interests of the amenities of future occupiers and to accord with Policies BE1 and BE5 of the Kirklees Unitary Development Plan, PLP24 and PLP35 of the emerging Local Plan and guidance in the National Planning Policy Framework.

3. The materials used in the construction of the new window opening to the front of the dwellinghouse shall in all respects match those found on the front of the existing building and shall thereafter be retained as such.

Reason: In the interests of visual amenity and to sustain the significance of the Birkby Conservation Area and to accord with Policies BE1 and BE5 of the Kirklees Unitary Development Plan, PLP24 and PLP35 of the emerging Local Plan and guidance in the National Planning Policy Framework.

4. The rooflights to the front and rear of the dwellinghouse shall be of conservation type and retained as such.

Reason: To sustain the significance of the Birkby Conservation Area and to accord with Policy BE5 of the Kirklees Unitary Development Plan, PLP35 of the emerging Local Plan and guidance in the National Planning Policy Framework.

5. The bin store as shown on drawing no.108 Rev B shall be provided before the development is first brought into use and thereafter be retained as such.

Reason: In the interests of highway safety and amenity and to accord with Policies BE1 and T10 of the Kirklees Unitary Development Plan, PLP21 and PLP24 of the emerging Local Plan and guidance in the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
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Plan Type	Reference	Version	Date Received
Location Plan	Drawing number 100	Rev A	1/3/18
Existing Semi-Basement & Upper Ground Floor	Drawing number 101	-	1/3/18
Existing First & Attic Floor & Side Elevation	Drawing number 102	-	1/3/18
Existing Elevation & Typical Cross Section	Drawing number 103	-	1/3/18
Proposed Front Elevation	Drawing number 104	-	1/3/18
Proposed Typical Cross Section	Drawing number 105	-	1/3/18
Proposed Side Elevation	Drawing number 106	-	1/3/18
Proposed Rear Elevation	Drawing number 107	-	1/3/18
Proposed Semi-Basement & Upper Ground Floor	Drawing number 108	Rev B	18/7/18
Proposed First & Attic Floor	Drawing number 109	Rev B	18/7/18
Heritage Statement	Prepared by Jade3 Architecture 22-2-2018	Original	1/3/18
Design & Access Statement	Prepared by Jade3 Architecture 18-2-2018	Original	1/3/18

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The application was amended to address concerns with the impact on the living conditions of future occupiers.

Report Dated: 7/8/18

