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:	2018/62/92106/W
Site Address:	105, Blacker Road, Birkby, Huddersfield, HD1 5HQ
Description:	Alterations to convert one dwelling into two dwellings (within a Conservation Area)
Recommending Officer:	Farzana Tabasum

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: 28-Sep-2018

Officer Report

Site Description
The application red line comprises of an irregular shaped plot accommodating a through terrace set in a row of terraced properties. The stone constructed dwelling is set back into the site with a small triangular shaped garden which is bound by a stone wall to the front facing onto Blacker Road. To the rear is a small enclosed yard with access through a pedestrian gate. The rear yard is at a raised level from the road level.

Description of Proposal
The applicant seeks planning permission for alterations and conversion of the existing dwelling into 2 residential units. The plans have been revised following the case officer's recommendation to refuse the initial submission which included two bedrooms at basement level, which did not address the previous reason for refusal.

The revisions received on 12th September 2018 now indicate the proposals to provide storage areas and a bathroom in association with the proposed ground floor bedsit unit, which will be served by the rear door. The 1st & 2nd floor unit proposed to provide two bedrooms in the roof space would be served by the existing front entrance from Blacker Road.

Externally the proposal will result in no alterations to the front principal elevation and will also retain the existing stone wall bounding the front garden.

As revised, there are now no alterations proposed to the rear elevation of the building. However the proposals are to create a parking area in the rear yard which would potentially involve engineering operations to regrade the rear yard and demolition of the rear boundary wall.

History of negotiations/amendments received
Advised agent of likely recommendation, via email on 09/08/18. Also left a voice mail message for agent to ring me back before he goes on holiday.

Revised plans received 12th September 2018 which indicate only bath and store rooms at basement level.

The revised plans were not advertised as no representations were received following the first round of publicity and due to the fact that the revisions would unlikely to affect the amenities of the adjacent neighbouring properties.

Relevant Planning History
2017/91816 – alterations and conversion of existing dwelling into 3 residential units. Refused on grounds of poor level of amenity for future occupants of basement bed sit failing to provide adequate outlook and limited access to natural light – Nov 2017

Representations

The initial submissions were advertised in the local press, by site notices and neighbour letters. Final publicity date expired 21st August 2018. No representations received. The revised plans were not re-publicised as they made no material external alterations.

Consultation Responses
As the advice given on the 2017 is still applicable and relevant, it was not considered necessary to carry out further negotiations.

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 is within the Birkby Conservation Area on the UDP Proposals Map and shown to remain as such on the Kirklees Publication Draft Local Plan.

Kirklees Unitary Development Plan:
BE1 – Design principles
BE2 – Quality of design
BE12 – Space about buildings
BE5 – Preservation/enhancement of conservation areas.
T10 – Highway safety

Kirklees Publication Draft Local Plan (PDLP):
PLP21 – highway safety
PLP 24 – Design
PLP35 – Development in conservation areas

National Policies and Guidance:
National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published July 2018, together with Circulars, Parliamentary Statements and associated technical guidance.

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

Chapter 12 – achieving well designed places (paragraph 127 f)
Chapter 15 – Conserving and enhancing the natural environment
Chapter 16 – Conserving and enhancing the historic environment
The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

Assessment
The following matters are considered in the assessment below –

Principle of development
Impact on visual amenity including the Conservation Area
Impact on residential amenity
Impact on highway safety
Other matters
Representations
Conclusion

Principle of development:
The site is within the Birkby Conservation Area. Section 72 of the Listed Buildings & Conservation Areas Act (1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Areas. This is mirrored in Policy BE5 of the Unitary Development Plan together with guidance in Chapter 16 of the National Planning Policy Framework and PLP35 of the Publication Draft Local Plan.

The principle of providing two additional residential units within a building which is currently occupied as residential is considered acceptable providing that the resultant alterations do not have a detrimental impact on the character of the host building/Conservation Area, visual and residential amenity, highway safety and other relevant material considerations. The general principle of making alterations to a property are assessed against Policies BE1 and BE2 of the Unitary Development Plan, Policy PLP24 of the PDLP and advice within Chapter 12 of the National Planning Policy Framework regarding design.

Weight is given to the fact that the application would result in an additional residential unit at a time of local and national shortage. Kirklees cannot currently demonstrate a 5-year supply of housing land and this site is within a sustainable location within close distance of the town centre and other amenities.

Impact on visual amenity including the Conservation Area:
The proposed alterations to create a parking area within the rear garden with the removal of the wall would not detract from the amenity of the area. This is

to the rear and similar to other plots in the area where parking areas have been created to the front and rear.

The retention of the stone boundary wall to the front garden as shown on the plans alleviates the concerns previously raised in relation to the impact of the development upon the significance of the Birkby Conservation Area.

In terms of visual amenity, it is considered that the proposed alterations to create the parking area in the rear garden as shown on the revised plans would have a neutral impact on the characteristics of this stone terrace dwelling and the Conservation Area. The proposals are considered to comply with Policies BE1, BE2 and BE5 of the UDP, Policies PLP24 and 35 of the PDLP (regarding visual amenity) and the aims of chapter 12 and chapter 16 of the NPPF. The development would preserve the character and appearance of the conservation area and in the context of this planning application would not harm the character of the host building.

Impact on residential amenity:
The assessment of amenity relates to the impact of the proposal on the future occupiers of the property, considered in relation to Policies BE1 and BE12 of the UDP and Policy PLP24 of the PDLP. Policy BE12 advises a set of acceptable space about dwelling distances, Policy BE1 supports the proportion of a healthy environment. Emerging Policy PLP24 states, inter alia, that proposals should promote good design by 'providing a high standard of amenity for future and neighbouring occupiers'.

Also of relevance is NPPF which advises in paragraph 127 (f) that decisions should ensure that developments create places that promote health and well-being, with a high standard of amenity for existing and future users……..

As the property will remain in residential use there are no concerns regarding the retention of amenity to existing surrounding residents either.

In terms of outlook, following receipt of the revised plans which propose no habitable rooms in the basement there are no concerns for the future residents of both the residential units, which as now proposed will be served by the existing openings set above ground level and by roof lights in accordance with the relevant conditions mentioned above.

Impact on highway safety:
Highway officers were formally consulted on the previously refused scheme where it was advised at the time that the proposals with one additional car park space (to be conditioned to be made operational, if scheme approved) would be acceptable in this sustainable area which is well served by public transport and is within easy walking distance of both bus and train stations. In view of this the current proposals with workable parking space within the rear yard would comply with policy T10 of the UDP and PLP21 of the emerging local plan.

Other matters:

Bin storage for the upper unit would be provided in the front garden and the rear yard where bins are currently stored is considered to be of adequate size to accommodate the bins and the parking space.

Representations:
No representations were received.

Conclusion:
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. The revised proposals to provide no habitable rooms at basement level, now address the previous concerns and reason for refusal and is therefore recommended for approval.

Recommendation – Approve

Decision Authorisation - Delegated Powers
Application Number:2018/92106
Officer Recommendation: C.F.P
Conditions & Reasons

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.
Reason: Pursuant to Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Order 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, BE2, BE5, BE12 and T10 of the Kirklees Unitary Development Plan, PLP24 & PLP35 of the Publication Draft Local Plan as well as guidance in the National Planning Policy Framework.

3. The parking space as shown on drawing no. SR03A to be provided within the rear garden area shall be completed and made operational before occupation of the approved ground floor unit and thereafter retained for such purposes.
Reason: To provide adequate parking provision to accommodate the proposals and in the interests of highway safety in accordance with Policies T10 of the Kirklees Unitary Development Plan and PLP21 of the Publication

Draft Local Plan as well as guidance in the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location & grouped existing and proposed plans	SR03A		12th September 2018

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. Revised plans were received following the case officers recommendation to refuse the initial scheme. The revised proposals to provide no habitable accommodation in the basement overcomes and addresses the previous reason for refusal.

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Report Dated: 28/09/18