

**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: 2019/62/93136/E

Site Address: 21, The Knowle, Shepley, Huddersfield, HD8 8EA

Description: Conversion of Garage / Garden Room to Single Dwelling

Recommending Officer: Katie Wilson

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.

Rebecca Drake

AUTHORISED OFFICER

Date: 10-Dec-2019

Officer Report

Site Description

The application site is 21, The Knowle, Shepley, a 2-storey detached house, thought to date from the Victorian era. It has garden area to the side and rear, and in part of the side garden is a relatively large single storey out building which is the subject of this planning application.

The outbuilding has natural stone walls and dual pitched and hipped roof surfaced in dark coloured concrete tiles. It is located to the north east of the house with stone paving to driveway, parking and turning space in-between. There is further garden space at a lower level with several steps linking the areas.

Access is taken from The Knowle and the wider area is generally quite open to the north and residential to the south.

Description of Proposal

Planning permission is sought for conversion of garage / garden room to single dwelling.

There would be no alterations to the external appearance of the proposal except the existing garage door would be replaced by two windows.

The existing internal layout would be changed from garage, hall, toilet, store and garden room to hall, bedroom, shower room, living / kitchen / dining room and bed 2 / study.

Externally the existing gateway would serve the proposed outbuilding conversion and there would be parking for two cars. A new gateway would be formed adjacent to the existing to serve the existing house and it would have parking for a minimum of three cars and turning space.

A new boundary fence would be erected in the existing parking and turning area.

History of negotiations/amendments received

No negotiations took place during the course of this application.

Relevant Planning History

2015/92602 - Certificate of lawfulness for existing use of land as domestic. Certificate of lawful use granted.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2015%2F92602>

2009/92677 - Change of use of adjacent office/workshop to residential.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2009%2F92677>

2012/92684 - Certificate of lawfulness for proposed erection of garage/garden room.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2012%2F92684>

Representations

Final publicity date expired: 1st November 2019. No representations received during the course of this application.

Kirkburton Parish Council comments – No comment.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- K C Highways development management: No objections.
- K C Environmental health: No objections subject to conditions and footnotes
- K C Trees section: No objections

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 statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is within housing allocation HS203 on the Kirklees Local Plan.

Kirklees Local Plan (LP):

- **LP1** - presumption in favour of sustainable development
- **LP2** – place shaping
- **LP3** – Location of new development
- **LP5** – Masterplanning sites
- **LP7** - efficient and effective use of land and buildings
- **LP21** – highway safety
- **LP22** – parking
- **LP24** – design
- **LP33** – Trees
- **LP65** – Housing allocations

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19th February 2019, 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 5 – Delivering a sufficient supply of homes
- Chapter 12 – Achieving well-designed places
- Chapter 9 – Promoting Sustainable Transport
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

Principle of development:

The application site is on land that has been allocated for housing in the Kirklees Local Plan ref: HS 203 – land to the north west of Eastfield Mills, Abbey Road North. The gross site area for this allocation is 3.54 hectares and the net area (which excludes ponds, protected trees, existing development and watercourses) is 2.61 ha with indicative capacity of 91 dwellings.

As such policies LP5 and LP65 are relevant. Policy LP5 relates to master planning sites and Policy LP65 states that Planning permission will be expected to be granted if proposals accord with the development principles set out in the relevant boxes, relevant development plan policies and as shown on the Policies Map.

However, in this instance although it forms part of the allocated site HS203, it is in separate ownership, and is unlikely to come forward as part of a masterplanned development for the entire site allocation. This piecemeal approach to development would normally be of concern at such an allocated site, however the application site is not required for providing access to the rest of the allocated site, and it is not the most suitable location for drainage attenuation or consolidated open space for the wider site, therefore separate development of the site would be of little adverse consequence. For these reasons, together with the context, scale and constraints of the site, the development density is considered acceptable.

It is also noted that the existing garage/garden room outbuilding was built without requiring planning permission as it benefited from a general planning permission granted by virtue of schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and a certificate of lawful use or development confirmed this in November 2012 ref: 2012/92684.

With regards to sustainability it is acknowledged that the proposal would achieve a high level of sustainability through the re-use and adaptation of an existing building which is compliant with policy LP24 of the KLP.

Given the above circumstances, it is considered that the principle of the current proposal to turn it into a 1 or 2 bed detached single storey dwelling is acceptable.

Visual amenity:

The proposed development would not change the external dimensions of the existing building, nor the wall and roof materials. The only changes to the appearance of the structure would be to replace the existing garage doors with two windows of similar design to those on the north west elevation, involving some new walling, and this could be conditioned to match the existing natural stone walls.

These minor alterations are thought to respect and enhance the character of the area, compliant with policy LP24 of the KLP.

Residential amenity:

Policy LP24 of the KLP also requires promotion of good design by ensuring that proposals provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings.

In this case the nearest neighbouring property is 80, The Knowle, Shepley. This is a 3-storey end terraced house located to the south east of the application site, and its main elevation faces in a north westward direction.

In terms of overshadowing and overbearing impact, given that the proposed house is single storey, at slightly lower level, and with a gap of approximately 16m between nearest parts of each property, it is considered that there would be no significant impact of this nature.

With regards to overlooking, for the same reasons as above and that there is no direct relationship between habitable room windows together with tall boundary walling and high shrubs in between, in officer's opinion there would be no undue invasion of privacy.

In relation to 21, The Knowle, this is a 2-storey detached house on adjacent land to the west and within the ownership of the applicant. Again as the proposed dwelling would be single storey and maintain a distance of at least 15.0m between nearest parts of each building, it is thought that there would be very limited overshadowing and overbearing impact.

In terms of invasion of privacy, there would be a direct relationship between habitable room windows in the west facing elevation of the proposed bungalow and an existing conservatory at 21, The Knowle. However there would also be a separation distance of around 17.5m and new boundary

fencing in between which could be controlled by condition to provide screening.

Other existing neighbouring properties are either in excess of 30m from the boundary of the application site or entirely screened by other properties.

In relation to the adjoining land to the east, there is currently heavy vegetation (trees and shrubs) on the site boundary. As such, whilst there are secondary openings to habitable rooms in this elevation, it is thought that there would be no significant overlooking to this land. Furthermore, a condition will be imposed in relation to boundary treatment details.

In relation to the wider housing allocation site in officer's opinion although the application site forms part of the allocated site HS203, it is in separate ownership, and is unlikely to come forward as part of a masterplanned development for the entire site allocation. This piecemeal approach to development would normally be of concern at such an allocated site, however the application site is not required for providing access to the rest of the allocated site, and it is not the most suitable location for drainage attenuation or consolidated open space for the wider site, therefore separate development of the site would be of little adverse consequence.

Physically, as the proposed house is single storey and at least approximately 13.0m from the northern boundary of the site to the wider allocation site, it is thought that there would be no significantly prejudicial impact upon developing the wider site for housing.

Highway safety:

The site is accessed from The Knowle, a single width, un-classified road, with recessed gateway allowing vehicles to pull off the road before opening the gates. It currently provides vehicular access to 21, The Knowle.

The proposal would replace the existing gateway with two separate, although adjacent gateways, one for 21, The Knowle and the other for the proposed new bungalow.

The council's highways development management officers have been consulted and commented that the proposed dwelling would be a two-bedroomed bungalow with off-street parking for two vehicles. An existing driveway would be widened so as to be acceptable for serving two separate dwellings. The shape of the driveway access lends itself to being suitable for bin collection off the highway and the existing dwelling will retain a minimum of three off-street parking spaces, in keeping with the size of the dwelling.

Although visibility is likely to be substandard, this section of The Knowle is particularly quiet, and the existing access has not caused any highway safety issues. Given the size of the proposed bungalow, the intensification of use of this access is, on balance, acceptable from a highways perspective. Highways DM has no wish to raise objection to the scheme subject to a condition relating to permeable surfacing and a footnote about works within the highway.

In these circumstances the proposal would be acceptable from a highway safety point of view, compliant with policies LP21 and LP22 of the KLP.

Other material considerations:

Air Pollution:

The proposal has the potential to increase local air pollution and policies LP21 and LP51 of the KLP together with parts of chapters 9 and 15 of the NPPF seek to ensure mitigation measures to reduce impact upon air quality.

In order to encourage forms of transport that reduce such impacts environmental health officers have recommended a condition requiring a new electric vehicle charge point at the application site. Subject to this the proposal would accord with the policies stated above.

Trees:

There are several mature trees in the vicinity of the application site.

Policies LP24 and LP33 of the KLP require consideration of retention of mature trees on development sites.

The Council's arboricultural officer has been consulted and commented that there are no major alterations to the appearance of the building and so no objections to the proposed development.

Protected species (bats):

The site is in an area recorded as a bat alert area.

Bats are protected species and the NPPF requires planning authorities to take account of priority species within planning policies.

An assessment in relation to the bat alert layer guidance - flow diagram has been carried out and as a result no survey is required, however a precautionary footnote shall be added to the decision notice in order to comply with the aims of chapter 15 of the NPPF.

There are no other matters considered relevant to the determination of this application.

Representations:

No representations received during the course of this application.

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 and is therefore recommended for approval.

Recommendation - Approval

Decision Authorisation - Delegated Powers

Application Number: 2019/93136

Officer Recommendation: approval

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.

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, and to accord Policies LP1, LP2, LP3, LP3, LP7, LP21, LP22, LP24, LP33, LP65 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The external walls of the infill walling on the south west elevation of the building hereby approved shall in all respects match those used in the construction of the existing building.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

4. Notwithstanding the submitted plans, before the dwelling hereby approved first comes into use details of boundary fencing shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented prior to first occupation and retained for the duration of the development or replaced on a like for like basis.

Reason: In the interests of visual and residential amenity and to accord with policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

5. Prior to occupation of the dwelling an electric vehicle recharging point, shall be installed. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps/3.5 kW and a maximum demand of 32Amps. Thereafter the electric vehicle recharging point shall be retained.

Reason: To provide satisfactory air quality mitigation in accordance with the West Yorkshire Low Emission Strategy Planning Guidance and to accord with the guidance contained in policies LP21 and LP51 of the Kirklees Local Plan and Part 9 of the National Planning Policy Framework "Promoting sustainable transport" and to encourage low carbon forms of transport in accordance with chapters 9 and 15 of the National Planning Policy Framework.

NOTE: *Electric Vehicle Charging Points*

- A Standard electric vehicle charging point is one which is capable of providing a continuous supply of at least 16A (3.5kW). A 32A (7kW) is however more likely to be futureproof
- Standard charging points for single residential properties that meet the requirements specified in the latest version of “*Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)*” by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 sockets would be acceptable.
- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.
- The installation must comply with all applicable electrical requirements in force at the time of installation.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours Mondays to Fridays
08.00 and 13.00hours , Saturdays

With no working Sundays or Public Holidays
In some cases, different site specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

NOTE: Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies ‘Guidance on the permeable surfacing of front gardens (parking areas)’ published 13th May 2009 (ISBN 9781409804864) as amended or

superseded; and thereafter retained throughout the lifetime of the development.
Reason: In the interests of highway safety and to achieve a satisfactory layout

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: *Construction Sites working times*

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists, or is likely to occur or recur. Failure to comply

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan			25.9.2019
Site plan as existing	Dwg no. 01		25.9.2019
Existing plans and elevations	Dwg no. 02		25.9.2019
Site plan as proposed	Dwg no 03		25.9.2019
Proposed plans and elevations	Dwg no 04		25.9.2019

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. No amendments have been sought or received during the course of this application.

Report Dated: 9.12.2019

