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: 2019/62/93718/W

Site Address: 1, Prince Wood Lane, Birkby, Huddersfield, HD2 2DG

Description: Alterations to convert detached garage to one dwelling

Recommending Officer: Neil Bearcroft

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: 15-May-2020

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Officer Report

Site Description - 1, Prince Wood Lane, Birkby, Huddersfield, HD2 2DG

The application site forms a large detached double garage located within the garden of 1 Prince Wood Lane. The site is currently accessed via driveway that leads from Prince Wood Lane to the east. The building is constructed from artificial stone with a concrete tiled roof. Mature trees are located to the south of the site and to the west. 1 Prince Wood Lane is a large detached house with amenity space to both the front and rear of the dwelling. In the wider area, no.400 Birkby Road is located to the north west and no.3 Prince Wood Lane located to the north. To the south is Birkby Road and the dwelling known as Corby.

Description of Proposal

The application seeks the conversion of the existing garage to form a detached two bedroom dwelling. The works would involve replacing the existing garage door openings with an entrance and door and window and 3 other windows along with two windows in the southern elevation and a window and patio door in the northern elevation. Two parking spaces and a turning area would be located to the east of the dwelling with a new access formed directly from Birkby Road. The works to the building would be from materials to match. The new dwelling would have a separate garden space positioned at an angle to no.1.

History of negotiations/amendments received

The applicant originally proposed a there bedroom dwelling but concerns were raised regarding the limited size of the dwelling, this was therefore amended to a 2 bedroom dwelling through the course of the application.

Relevant Planning History

2019/93018 - Erection of single storey attached garage, first floor balcony and external alterations - Approved

2010/93273 - Change of use of garage to dwelling and reinstatement of double garage to host dwelling – Approved, never implemented.

88/02678 - Erection of detached garage – Approved, constructed

Representations

Final publicity date Expires: 14/12/2019, no representations received

Consultation Responses

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

- KC Highways DM – acceptable subject to condition
- KC Trees – 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 unallocated on the Kirklees Local Plan.

Kirklees Local Plan (LP):

- **LP1** - Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP7** – Efficient and effective use of land and buildings
- **LP11** – Housing Mix and Affordable Housing
- **LP21** – Highway Safety and Access
- **LP22** - Parking
- **LP24** – Design
- **LP30 –** Biodiversity
- **LP33 -** Trees
- **LP51** - Protection and improvement of local air quality
- **LP52** – Protection and improvement of environmental quality

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 dwellings
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

The application site is unallocated on the Local Plan and therefore Policies LP1 and LP2 are relevant which support sustainable development. The

application seeks the conversion of an existing garage within a residential properties garage adjacent to some protected trees. The key considerations for the development will be its impact on residential amenity, the adjacent protected trees, the character of the local area, highway safety, ecology and all other material planning considerations.

Principle

The site has previously benefited from planning permission for the garage to be converted into a dwelling via application 2010/93273. However since the 2010 permission the Local Plan has been adopted and the NPPF now forms the national planning policy context. Therefore, the principle of developing the site needs to be considered in detail.

As set out in the latest Kirklees Authority Monitoring Report the assessment of the required housing (taking account of under-delivery since the Local Plan base date and the required 20% buffer) compared to the deliverable housing capacity, windfall allowance, lapse rate and demolitions allowance shows that the current land supply position in Kirklees is 5.32 years supply.

As the Kirklees Local Plan was adopted within the last five years the five year supply calculation is based on the housing requirement set out in the Local Plan (adopted 27th February 2019). Chapter 5 of the NPPF clearly identifies that Local Authority's should seek to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 68 of the NPPF recognises that "small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should… support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes".

The site is located within a predominantly built-up area, within the Birkby suburb of Huddersfield and is within proximity to bus routes to Huddersfield or other local centres. The proposal would make an efficient use of land and utilise an existing building it is therefore considered to be sustainable development, and furthermore the principle of housing on this site has already been established.

The development site forms a small plot surrounded predominantly by residential development. Although the Local Planning Authority can demonstrate a five year land supply, it is noted that the development of this plot would be contribute to the housing supply in the district. However the provision of housing needs to be balanced against all material planning considerations considered below.

Design

General design considerations are set out in Policy LP24 of the Local Plan, which seeks to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity. This is further supported by Chapter 12 of the NPPF and the recently published National Design Guide which supports good design that functions well and adds to the overall quality of an area and retails a strong sense of place. Policy LP7 supports the efficient use of land and this further detailed in Chapter 11 of the NPPF.

The application seeks the reuse of an existing garage building and proposes relatively limited changes to the building. The new windows to be inserted are of appropriate proportions and the elements of the garage which would need to be built up, would be constructed from matching materials to match existing which is considered to be acceptable.

With regard to the overall impact on the character and appearance of the local area, the existing plot would be subdivided, and the new dwelling would have its own separate access off Birkby Road. The garden spaces to the two dwellings are considered proportionate to the size of properties they serve (in this isolated case and taking into account site history) and the separate access will help to define the two properties as separate dwellings. However, to ensure that the plot is not overdeveloped it is considered necessary to removed permitted development rights for extensions and outbuildings. It is noted that a small garage in the north western corner of the site would be retained by 1 Prince Wood Lane, whilst its access would be blocked by the formation of the garden to the new dwelling it would remain as an outbuilding to no.1 which is considered to be acceptable.

Subject to the conditions set out above the design of the development is considered to be acceptable and would accord with Policy LP24 and Chapter 12 of the NPPF.

Residential Amenity

With regard to amenity, Policy LP24 of the Local Plan advises that proposal should ensure that a high standard of amenity is achieved for future and neighbouring occupiers. This is also supported by Chapter 12 of the NPPF. The key assessment of the proposal is the impact the proposed dwellings would have on surrounding dwellings and future occupiers.

Given that the property is single story and already existing there is no concern in respect to overshadowing overbearing impact ono adjacent properties. With regard to overlooking, the closest potentially affected property would be the adjacent 1 Prince Wood Lane. However, any detrimental impact could be controlled by appropriate boundary treatment which can be secured by condition.

Subject to the condition on boundary treatment the proposal is not considered to have a detrimental impact on residential amenity.

Highway Safety

Turning to highway safety Policies LP21 and 22 of the Local Plan are relevant which seeks to ensure that proposals do not have a detrimental impact to highway safety and provide sufficient parking. The application has been assessed by the Highways DM Officer.

The application proposes to form a new entrance on to Birkby Road to the south of the dwelling along with two off street parking spaces with internal turning. The Highways Officer has confirmed that the appropriate sightlines can be achieved from the new access. The access and parking area should be appropriately surfaced and this can be secured by condition. A new dropped kerb would be required which can be achieved through separate application to the highways department. If gates are to be installed these should be set back by 5 metres to prevent any waiting on Birkby Road and this can be secured by condition. No details of waste storage and collection are provided on the plans however there is available space within the site so there is no objection in principle. Specific details can however be secured by condition before the dwelling is first occupied.

With regard to potential loss of parking for 1 Prince Wood Lane planning permission has recently been granted via application 2019/93018 to make alterations to no.1 including the provision of a new garage. The Highways Officer has requested a condition requiring the garage in no.1 to be provided before the proposed dwelling is first occupied, this was also a required of the 2010 permission. Planning Officers have considered this request, however given that no.1 retains a large drive area to the front with significant areas for off street parking it is not considered necessary to require that the garage is provided.

Subject to the conditions set out above the proposal is considered to have an acceptable impact on highway safety and would accord with Policies LP21 and LP22 of the Kirklees Local Plan.

Ecology

In terms of ecology the site is located within the bat alert layer and there are protected trees to the west and a protected tree to the south. The application will be assessed against Policies LP30 and LP33 of the Local Plan and Chapter 15 of the NPPF. The application has also been assessed by Arboricultural Officer.

With regard to bats, whilst within the bat alert layer the building appears well sealed and would be low risk in terms of housing bats, however a note regarding the potential presence of bats will be attached to the decision notice. With regard to the wider site it forms a domestic garden and proposal is considered to be of low ecological value.

Turning to Trees, the Arboricultural Officer has advised the conversion of the garage to a dwelling could be carried out with minimal or no impact on the adjacent trees because of the small changes to the structure being unlikely to cause any direct long term harm to the trees.

The change of use to a dwelling in its own right however may create an increase in the pressure to prune or fell adjacent trees and therefore a new TPO has been served to protect the tree on the site frontage. The trees adjacent to the garage have all developed crown structures that can incorporate the necessary pruning to keep the property physically clear from contact with branches. The trees adjacent will cast shade on the property however as there is already a building present and there are no proposals to install windows in the roof the increase in the shading effect of the adjacent trees is likely to be minimal.

In light of the above the proposal is considered to have an acceptable impact on local ecology and would accord with Policies LP30 and LP33 of the Local Plan and Chapter 15 of the NPPF.

Other Matters

Climate Change –On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

In this instance the proposed would represent the reuse of an existing building which is a sustainable low impact approach to forming a new dwelling. The development would also have to adhere to modern building standards as part of its conversion ensuing it was thermally efficient. The site is also located within an existing built up area with access to various sustainable transport options. Furthermore the proposal would secure the installation of an electric charging point which would support the provision of local carbon transport.

Air Quality – In line with guidance set out in the West Yorkshire Low Emissions Strategy and to support the provision of low carbon transport infrastructure in accordance with Policy LP24 of the Local Plan there is an opportunity to provide an electric vehicle charging point the dwelling, this can be secured by condition.

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 – Full Conditional Permission

Decision Authorisation - Delegated Powers

Application Number: 2019/93718

Officer Recommendation: Full Conditional Permission

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 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 visual amenity and to preserve the character and appearance of the local area and to accord with Policy LP24 and of the Kirklees Local Plan and Policy in Chapters 12 of the National Planning Policy Framework.

3. Alterations to external walls approved as part of the proposed development shall be carried out in material to 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 PLP24 of the Kirklees Local Plan.

4. Before the hereby approved dwelling is first occupied details of storage and access for collection of wastes from the property shall be submitted to and approved in writing by the Local Planning Authority. The works comprising the approved details shall be provided before the dwelling is first occupied and shall be so retained thereafter.
Reason: In the interests of amenity and highway safety, to accord with Policy LP21 and LP24 of the Local Plan and to comply with the Council's sustainability objectives set out in the National Planning Policy Framework.

5. Before the hereby approved dwelling is first occupied ,a scheme detailing the boundary treatment for the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved boundary treatment has been constructed. It shall thereafter be retained in accordance with the details so approved.
Reason: In the interest of visual amenity and to protect the amenity of adjacent properties and to accord with Policy LP24 of the Local Plan and Policies in Chapter 12 of the National Planning Policy Framework.

6. The development shall not be brought into use until all areas indicated to be used for parking and turning on the approved plan have been laid out with a hardened and drained surface in accordance with the Communities and

Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance; Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) this shall be so retained, free of obstructions and available for the uses specified on the submitted plans and retained thereafter.
Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking, to mitigate flood risk and in accordance with Kirklees Local Plan Policies LP21 and LP24.

7. An electric vehicle recharging point shall be installed within the application to serve the parking spaces shown on Dwg. No. G709 01 Rev B. The recharging point shall be provided prior to the first occupation the dwelling. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicle charging point so installed shall thereafter be retained.
Reason: To enhance infrastructure at the site and to promote and support the use of low carbon vehicles and to accord with the policy LP24 of the Kirklees Local Plan.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A, B and E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.
Reason: In the interests of visual amenity, to prevent the over development of the site and to protect residential amenity and to accord with Policy LP24 of the Kirklees Local Plan and Policies in Chapter 12 of the National Planning Policy Framework.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking and re-enacting that order) any gates or barriers for or over the vehicular access or egress to serve the hereby approved dwelling shall be set back 5m from the back of the carriageway of Birkby Road and shall be hung as to only open inwards. So long as such gates or barriers are in position they shall be retained to only open inwards.
Reason: In the interests of highway safety and to avoid the need for vehicles to wait in the highway and to accord with Policy LP21 of the Kirklees Local Plan.

NOTE: The Council's Environment Officer has commented that 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: The changes to the access within the adopted highway fronting the property will need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). 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. Interference with the highway without such permission is an offence which could lead to prosecution.

Plans and specifications schedule:-

Plan Type	**Reference**	**Version**	**Date Received**
Proposed Plans and Elevations	G709 01 Rev B	-	29/1/2020
Planning Statement	November 2019	-	13/11/2019

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. The case officer undertook negotiations with the agent to reduce the size of the dwelling from a three to a two bedroom property due to the limited size of the building.

*low risk coal

Report Dated: 13/5/2020