

**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: 2020/62/92037/W
Site Address: 411, Leeds Road, Huddersfield, HD2 1XT
Description: Change of use from office B1(a) to dwelling and erection of first floor rear extension
Recommending Officer: Sam Jackman

DECISION – FULL CONDITIONAL 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.

Emma Thompson

AUTHORISED OFFICER

Date: 30-Sep-2020

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Application: 2020/62/92037/W

Site: 411, Leeds Road, Huddersfield, HD2 1XT

Proposal: Change of use from office B1(a) to dwelling and erection of first floor rear extension

Site Description

411 Leeds Road is a two-storey end of terrace property located in the Dalton ward, Huddersfield. The property is faced with natural stone with a pitched roof constructed in grey slate. The property benefits from a small paved front yard, which is currently used as parking and a larger garden area to the rear which can be accessed from a lane running behind the properties.

To the immediate west of the property is a working garage. The site is situated in a row of residential properties sharing a similar design and appearance to the host property with identical brickwork with pitched roofs. The wider area is compromised of a mixture of uses both commercial, light industrial and residential, and is located within walking distance of the Huddersfield town centre.

Description of Proposal

The applicant is seeking permission for a change of use from office space to residential and a rear extension to the first floor of the property. The extension is proposed to extend 3.62 metres to be flush with the current single storey rear extension, with a width of 6.6 metres to match the width of the existing single storey extension. The roof is to be of a lean-to design to match the existing single storey roof, with an eaves height of 4.95 metres and a ridge line of 5.8 metres to match the height of the host buildings current eaves height. The proposed materials are natural stone and grey slate to match the existing walls and roof respectively.

Other alterations proposed include the removal of the existing pedestrian access from Leeds road from the western edge of the front boundary to the eastern edge and the creation of a small garden area to the front, with parking moved to the rear of the property incorporating approximately half of the rear garden space.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f92037>

History of negotiations/amendments received

No negotiations required.

Relevant Planning History

Applicant site:

2016/91512 - Change of use to dwelling and erection of first floor rear extension – Conditional Full Permission.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f91512+>

Surrounding sites:

413 Leeds Road:

89/06379 - Erection of first floor extension to form 2 – Granted conditionally.

415 Leeds Road:

90/04053 – Erection of first floor extension – Conditional full permission.

99/91480 – Erection of detached double garage – Conditional full permission.

417 Leeds Road:

99/93455 – Erection of conservatory – Conditional full permission.

419 Leeds Road:

99/90067 – Erection of first floor extension – Conditional full permission.

Representations

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter.

As such, we have publicised this application via neighbour notification letters which expired on the 14.8.20, whereby no representations have been received.

Consultation Responses

One consultation response was received from KC Environmental health, which provided no objections to the proposed development subject to conditions.

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 LP Policies Map.

Kirklees Local Plan (LP):

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP21 – Highway Safety
- LP22 - Parking
- LP 24 – Design

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 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Design
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters – e.g. trees/ecology (e.g. bats)
- 5) Representations
- 6) Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan (KLP). Policies LP1 and LP2 of the Local Plan state that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

In this case, the principle of the change of use from office to residential is considered acceptable as the site fall outside of a priority employment area in the KLP and would be acceptable under permitted development rights under use class O. Therefore, the application shall be assessed against all other material planning considerations below.

2 – 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.

The proposed first floor rear extension would be located on the same footprint as the current ground floor rear extension and would be proportionate and subservient to the existing property.

The extension will also be situated on the rear elevation of the dwelling and therefore will not result in an incongruous feature within the street scene. The architectural features of the extension mimic those of the host building, which is welcomed from a visual perspective. There are numerous extensions to other properties along the row with no cohesive design. In this context the extension will not look out of place.

The proposals for rear parking at the property would reduced the amount of rear private amenity space available, however it is considered that a sufficient amount is maintained in the proposal and is therefore acceptable in relation to policy LP24 of the KLP.

The proposals to the front of the property include the separating of the boundary to the commercial garage to the west of the site, this is supported to ensure separation for any future occupiers.

Having taken into account the above, it has been assessed that the proposal would have harmonise, to an acceptable degree, with the host dwelling and surrounding development, the character of the area and the wider street scene, complying with LP24 of the KLP and Chapter 12 of the NPPF.

3 – Impact on residential amenity:

With regard to residential 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.

Given the location and scale of the proposed extension and the respective layout of the proposed extension to the neighbouring dwellings (including window locations), officers are satisfied that the proposal would not harm the residential amenity of neighbouring residents.

The closest residential property to the proposed development is 413 Leeds Road, however, due to the extension at 413 Leeds Road the proposed extension would be flush with the rear of 413 Leeds Road and therefore would not result in an overshadowing or overlooking of 413 Leeds Road property.

Therefore, the application is considered to the acceptable in relation to residential amenity, complying with the aims of Policy LP24 of the KLP and the aims of the NPPF.

4 – Impact on 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 proposal includes the loss of parking spaces to the front of the development but includes the creation of parking to the rear of the property. Therefore, the site retains external parking spaces therefore the proposal is not deemed to harm the safe and efficient operation of the Highway, nor conflict with the aims of Policies LP21 or LP22 of the Kirklees Local Plan.

5 – Other matters:

K.C Environmental Health - no objections to the proposed development subject to conditions. These conditions relate to

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|--------------------|--|
| Noise | condition re noise assessment, this was on the previous approved application
Condition & footnote - construction site working this is unreasonable given the small-scale development, however the footnote could be added |
| Air Quality | Condition and footnote - Electric charging point this is unreasonable given the small-scale development |
| Land Contamination | condition – unexpected contamination this is unreasonable given the small-scale development |

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 extension shall be built to modern building regulation standards. Due to the small scale of the development being considered, officers are satisfied that this is sufficient to demonstrate that the proposal would not harm the climate change agenda.

6 – Representations:

No public representations were received.

7 – 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

Approve

Decision Authorisation - Delegated Powers

Application Number: 2020/92037

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.

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 Policy LP24 of the Kirklees Local Plan.

3. The external walls and roofing materials of the extension 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.

4. Before construction or renovation work commences a report specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development, including road traffic and commercial premises, shall be submitted to and approved in writing by the Local Planning Authority.

The report shall:

- a) Determine the existing noise climate
- a) Predict the noise climate in gardens (daytime), bedrooms (night-time) and other habitable rooms of the development
- b) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

Reason: In the interests of protecting future amenity of the occupiers of the dwelling from undue noise and to accord with Policy LP52 of the Kirklees Local Plan.

5. The revised pedestrian access to the dwelling from Leeds Road, as shown on drawing no. 2368 02E, shall be constructed, hard surfaced and the existing

gateway walled up in materials and to a height to match the existing wall before the dwelling is first brought into use. Thereafter the revised pedestrian access arrangements from Leeds Road shall be retained.

Reason: In the interests of protecting future amenity of the occupiers of the dwelling from the commercial activities to the west of the site

6. Before the dwelling is first occupied, a ventilation scheme to show how habitable rooms shall be ventilated without the need to open windows, shall be submitted to and approved in writing by the local planning authority. All works which form part of the approved scheme shall be completed prior to first occupation. These works shall be retained and maintained in accordance with the manufacturer's instructions. Reason: In order to mitigate future occupiers against air pollution in accordance with Policy BE1 of the Kirklees Unitary Development Plan and Chapter 11 of the National Planning Policy Framework.

Footnote: 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 with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Plans – Grouped Plans and Elevations	2368 02E Plans and Elevations as proposed		30-06-2020
Plans – Grouped Plans and Elevations	2368 01A Plans and Elevations as existing		30-06-2020
Plans – Location Plan	2368 Location Plan		30-06-2020

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 negotiations were required as the plans as originally submitted were deemed acceptable.

Report Dated: 29th Sept 2020