

**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: 2020/62/93046/W

Site Address: 1A, Heaton Road, Gledholt, Huddersfield, HD1 4HX

Description: Erection of extensions and alterations to coach house to form one dwelling and alteration to highway entrance

Recommending Officer: William Simcock

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: 04-Nov-2020

Officer Report 2020/93046

Site Description

1 Heaton Road is a large detached two-storey building on the south side of the highway. It has a large concrete forecourt, a paved yard at the rear, a modest-sized rear garden at a lower level, and a large outbuilding in the south-western corner of the curtilage. It is divided into two apartments.

The original part of the outbuilding, which was originally built as a coach house but now used as a garage, is built in coursed stone and with a blue slate roof, with a small stone extension to the south-east side and a timber extension to the front. There is some space above the garage which is unused. The surrounding area is residential, mostly late Victorian or Edwardian houses, with some more modern detached houses to the south of the site where the land is lower.

Description of Proposal

The proposal is for the change of use, extension and alteration of the former coach house to form a detached dwelling, and alteration to the highway access.

The following external alterations and extensions would be carried out. The timber and mineral felt structure at the front would be demolished and a new single-storey stone structure built on the same footprint, which would also have a lean-to roof. Within the corner formed by the stone front wall of the coach house and the side wall of the timber structure, a new extension is to be built (in place of the small single-storey lean-to) measuring 3.0 by 3.6m, and 3.7m high to the top of the roof parapet. Two new rooflights would be formed in the front roof slope and two new windows in the side elevation, giving light to a utility room at ground floor and a bedroom at first floor. Three new rooflights would be formed in the rear roof slope and the rest of the rear roof clad in solar panels.

Materials would be stone and slate to match the existing building, but with substantial use of glazing at ground floor for the new additions. The dwelling thus formed would have a ground floor en-suite bedroom, living room, and kitchen / breakfast area, and at first floor a further two bedrooms and a bathroom. It is proposed that the access is widened by approximately 1.8m to the east.

The proposal has been designed according to the specific needs and circumstances of the applicant and is supported by a confidential statement explaining these in detail.

History of negotiations/amendments received

None.

Relevant Planning History

2017/92800: Erection of extensions and alterations to coach house to form dwelling and alterations to highway entrance. Withdrawn.

2019/93111: Erection of extensions and alterations to coach house to form dwelling and alterations to highway entrance. Refused and appeal dismissed.

Representations

Final publicity expires: 02-Nov-2020

No representations were made.

Consultation responses

No consultations were undertaken on this occasion. KC Ecology and the Arboricultural Officer were consulted on the previous application and their comments are considered in the report below. This also takes into account the Inspector's decision letter in relation to application no. 2019/93111. Discussion has also taken place with the Council's Ecologist regarding the supporting documents submitted with this application.

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 without designation on the Kirklees Local Plan.

Part of the stated purpose of the application is to create more accessible accommodation it would in principle support the aims of the Equality Act.

Kirklees Local Plan (LP):

LP 21: Highway safety and access

LP 22: Parking

LP 24: Design

LP 30: Biodiversity and geodiversity

LP 33: Trees

LP 35: Historic environment

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 11 – Making efficient use of land

Chapter 12 – Requiring good design

Chapter 15 – Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below –

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

1 – Principle of development: The site is in land that is without designation in the Local Plan. Policy LP1 of the Local Plan states 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. The proposal will therefore be considered on its own merits having regard to the appropriate Local Plan and NPPF policies. 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 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 the aims set out in NPPF Chapters 11&12. Among these are the need to ensure that development adds to the quality of the area, maintains and respects local character, and is visually attractive as a result of good architecture, layout and appropriate landscaping.

An application was made in 2017 and again in 2019 (with some modifications) for the conversion and extension of the coach house to form a new dwelling. The first application was however eventually withdrawn on officers’ advice, which was that the proposal was considered to be overdevelopment and could not be supported, and the second refused for this reason.

The 2019 application was taken to appeal and the appeal was dismissed. In assessing the impact of the development, the Inspector concluded that the proposed extensions would not result in a significant increase in the overall extent, scale or massing of the building, which would remain subservient to the original house, it would not appear cramped, and that it would potentially be an enhancement of the character and appearance of the building. However, the Inspector also concluded that in the absence of an emergence or re-entry survey undertaken May-August, it was impossible to be certain that the development could be undertaken without harm to bats, meaning there would be an unacceptable risk of harm to a protected species.

The present application is a re-submission of the 2019 application. The appeal decision is an important material consideration and considerable weight will be placed on this in the assessment of the new application. The relevant Local Plan policies listed above, concerning design, biodiversity and highway safety will also be taken into account.

2 – Impact on visual amenity: In assessing the previous application it was noted that the coach house was already very substantial for a domestic outbuilding, and given the size of the curtilage, and that the extensions would increase the building's mass. Taking into account the views of the Appeal Inspector, it is considered that the proposal would not amount to overdevelopment of the site. It is considered that subject to all materials matching those used on the existing building, it would harmonise with the character of its surroundings and accord with the aims of LP24(a).

3 – Impact on residential amenity: The north-western and south-western elevations of the coach house are immediately adjacent to the boundaries with other residential properties. The proposed new annexe dwelling would however have no windows in the north-western elevation and only the en-suite bathroom window in the rear, or south-western elevation (which can be conditioned to be obscurely glazed and non-opening). There would also be rear-facing rooflights, but as the two upper-floor bedrooms would also have an outlook to the front, these could be regarded as a secondary source of light. With a cill height of 1.6m they would allow a view out, but only just, and it is considered that as long as this cill height is conditioned as a minimum they would not be perceived as intrusive and do not need to be obscurely glazed. As a precautionary measure it is recommended that a condition is imposed requiring that no further windows be formed in the south-western or north-western elevation as new windows could be intrusive, and no rooflights unless with a cill of 1.6m or more.

The master bedroom and living room windows in the north-eastern or front elevation, as well as the front-facing rooflights to the upper floor bedrooms, would face towards the existing building. This would lead to a degree of mutual overlooking, at least from the windows if not the rooflights. Users of the garden space for the new dwelling would be overlooked from the rear windows of the two flats. Such a close relationship between dwellings on

neighbouring plots of land would in many cases be judged inappropriate. It is noted however that the overlooking would be at an angle and the ground floor flat is elevated compared to the coach house, and anyone moving in to the new dwelling or either of the flats, at any time in the future, would be aware of the situation and would accept it. The Inspector, in assessing the appeal, reached the view that there was no reason to conclude that the development would give rise to any adverse impacts on light, privacy or outlook.

There would also be a bedroom window in the south-eastern side elevation at first floor and a living room window at ground floor. But the outlook from the living room window would be predominantly over the garden within the site rather than land belonging to neighbouring properties. The upper floor window appears to be of a height to allow a view out, but it would look out over the side elevation of 8 Heaton Park Villas (which contains no habitable room windows according to the approved plans, 2010/91615) and not towards their main outdoor amenity space so it is unlikely that it would be perceived as intrusive.

In conclusion it is concluded that the proposal would not significantly affect the living conditions of the occupants of any neighbouring property, including the two flats comprising the original house, 1 Heaton Road. The limited outlook and curtilage space for the new dwelling would be less than ideal, but taking into account all material considerations including the Appeal Inspector's findings it is considered that the standard of living for future occupiers would be acceptable.

It is considered on balance, given the lack of adverse comments on residential amenity raised in the Appeal Inspector's decision letter, that a condition requiring it to be reserved for ancillary accommodation only at all times in the future and not sold or let separately would not be justified in this instance.

It would therefore accord with the aims of LP24(b).

4 – Impact on highway safety: The application has been described as annexe accommodation but it will be assessed as if it were an independent dwelling as there is a possibility it could be let or sold separately if permission is granted.

The site contains sufficient space to park 6 vehicles. Given the relatively central and sustainable location and the scale of the accommodation it is considered that this is in excess of likely demand for residents' parking. The site plan does not explicitly show turning provision, but it is expected it would be possible for a standard sized car to turn within the site between the two rows of parking spaces. The plans show the widening of the access to allow two-way vehicle movements. It is recommended that this be conditioned since the present access is not wide enough to serve multiple dwellings and the development would potentially lead to an intensification over the existing use.

The Highway Officer's comments on application 2017/92800 were that the proposal was acceptable in principle, on the basis that the access was to be widened, and subject to a bin collection point being shown. The current plans show space provided for the storage of refuse that would not impact on vehicular manoeuvring/parking within the site, but do not show a collection point within the site. It is assumed that bins would be put out for collection either on the footway or within the extended access. This is not ideal but can be accepted in this instance since it presumably already occurs with refuse collected from the existing flats and it would be difficult to demonstrate that one further bin would cause a significantly greater obstruction to footway users than already exists.

In conclusion, the development would not adversely affect the safe or convenient use of the highway subject to the above condition on the widening of the access and that all parking spaces are retained and kept available for use, and would therefore considered to be in accordance with the aims of Policies LP21- 22.

5 – 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 applicant has not submitted any supplementary statement or other information to explain how the proposed development would help to address or combat climate change effects. Since the development involves the reuse and extension of an existing building within an accessible location, it is considered that it would be compatible with the carbon reduction aims set out above.

The installation of an electric vehicle charge point is standard for new dwellings (1 per allocated parking space, 1 per 10 unallocated) in the interests of promoting low-impact means of transport, but since the parking spaces appear not to be allocated to specific dwellings and would only serve 3 dwellings in total, this requirement will not be applied.

Trees:

LP33 states that "The Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of

significant amenity value.....Proposals will need to comply with relevant national standards regarding the protection of trees in relation to design, demolition and construction.” There is a mature tree within the public footway outside the premises and the plans indicate that the widened driveway would be partly within its crown spread. It is not covered by a Tree Preservation Order (TPO) at present but is a prominent feature of the local streetscape, and if not under Council control already it would at least be considered for a TPO due to its importance.

Whilst it is probable that the works can be carried out without any adverse impact on this tree, this has not been demonstrated and it is recommended that a condition be imposed to require the submission of a Method Statement before development commences, to show how construction work would be undertaken with minimal damage to the adjacent protected tree and its roots. Subject to this it would comply with the aims of LP33.

Ecology:

The Council Ecologist was consulted on the previous application and recommended that permission could be granted subject to conditions requiring investigation of the building to determine the presence or absence of roosting bats. Notwithstanding this, the appeal Inspector took the view that this must be ascertained before planning permission was granted. The applicant has now submitted an emergence survey meeting national standards which did not reveal any evidence of bats roosting within the building. Consequently, mitigation measures or a European Protected Species licence will not be required.

Bats were however observed flying across the site, there is suitable habitat adjacent to the site and the building contains potential roost features. The report recommends that as a precaution, a pre-works check of the building be undertaken at dawn on the day development commences. Furthermore it is recommended that two bat boxes are installed on exterior walls and that any external lighting installed must be sensitive to the site. In particular, lighting should be directed away from vegetative features to the south, and light overspill of over 1lux should be avoided within these vegetated areas.

Subject to the above measures, which can all be the subject of prescriptive conditions, the proposal would conserve biodiversity locally and accord with the aims of LP30 and NPPF 15.

Permitted development rights

The granting of permission would result in a new planning unit (dwellinghouse) that would benefit from substantial permitted development rights to extend. Given the assessment of this application on the grounds of visual and residential amenity, it is considered reasonable and necessary to remove permitted development rights to extend upwards, make alterations or extensions within the roof or extend out from the existing walls of the property. This would prevent the overdevelopment of the site and would be in the interests of visual and residential amenity and the aims of Policy LP24 of the Local Plan.

6 – Representations: No representations have been made

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 – CONDITIONAL FULL PERMISSION

Decision Authorisation - Delegated Powers

Application Number: 2020/93046

Officer Recommendation: CONDITIONAL FULL 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 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 with Policy LP24 of the Kirklees Local Plan.

3. The stone and roofing slate used in any external works shall in all respects match that used on the existing building.

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

4. All rooflights in the rear (south-western) elevation shall be placed to be not less than 1.6m above internal first-floor level

Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy LP24(c) of the Kirklees Local Plan.

5. The window in the rear (south-western) elevation as shown on the approved plans shall be non-opening and shall be fitted with obscure glazing to give a grade 5 degree of obscurity before the development is first occupied. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification), windows of this type shall be retained at all times

Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy LP24(c) of the Kirklees Local Plan.

6. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no new door or window openings other than those expressly authorised by this permission

shall be inserted in the south-western or north-western walls of the development, and no rooflights with a cill height of less than 1.6m above internal first floor level formed in the rear (south-western) roof slope, at any time.

Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy LP24(c) of the Kirklees Local Plan.

7. The development shall be implemented in full accordance with the recommendations contained within Part 7 of the bat survey report reference BG20.234.1.

Reason: To ensure that any bats that may be present within the building will not be harmed by the development and to accord with Policy LP30 of the Kirklees Local Plan and the aims of the National Planning Policy Framework – Conserving and enhancing the natural environment.

8. Any external lighting installed on the new dwelling or elsewhere within the site shall accord in all respects with the recommendations contained within Part 7, paragraph 7.2.1 of the bat survey report reference BG20.234.1.

Reason: To ensure that the development conserves and enhances the ecological value of the site and in particular its value for bats, and to accord with Policy LP30 of the Kirklees Local Plan and the aims of the National Planning Policy Framework – Conserving and enhancing the natural environment.

9. Before the new dwelling is first occupied, two artificial bat roost features shall be installed on the building in accordance with the details specified in paragraph 7.2.2 of the bat survey report reference BG20.234.1.

Reason: To ensure that the development conserves and enhances the ecological value of the site and in particular its value for bats, and to accord with Policy LP30 of the Kirklees Local Plan and the aims of the National Planning Policy Framework – Conserving and enhancing the natural environment.

10. Before the development is first occupied, the access shall be widened to 4.5m as shown on the approved site layout plan and it shall thereafter be retained as such.

Reason: To ensure that the intensification of the access does not jeopardise highway or pedestrian safety and to accord with the aims of Policy LP21 of the Kirklees Local Plan.

11. Notwithstanding condition (10) above, before any works commence to widen the access to the public highway, an arboricultural method statement shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the works can be undertaken without harm to the mature tree within the public footway or its long-term viability. The works shall not be carried out other than in accordance with the approved method statement.

Reason: To ensure that works do not jeopardise the long-term health of a tree that is considered valuable to local amenity, and to accord with the aims of Policy LP33 of the Kirklees Local Plan.

12. The areas shown to be used for the (i) the parking of vehicles and (ii) the storage of wastes within the site shall be retained at all times, free from all obstructions from their use for parking and for the storage of wastes as shown on the approved plan.

Reason: To ensure that adequate space is retained within the site for the parking and manoeuvring of vehicles associated with the proposed or existing dwellings, and to accord with the aims of Policies LP21 and LP22 of the Kirklees Local Plan.

13. 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, AA, B, C 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: prevent the overdevelopment of the site and in the interests of visual and residential amenity and the aims of Policy LP24 of the Local Plan.

Construction Site Working Times – Footnote

It is recommended that noisy construction related activities should not take place outside the hours of:

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00hours Saturdays

With no noisy activities on Sundays or Public Holidays

Construction Sites working times – 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 notices served using the above mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Note: Works within the public highway. 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. 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			14-Sep-2020
Design and access statement	2019 enquiry 48		14-Sep-2020

Plan Type	Reference	Version	Date Received
Proposed roof and site plan	100		14-Sep-2020
Proposed aerial view	101		14-Sep-2020
3D view	102		14-Sep-2020
3D view (garden)	103		14-Sep-2020
3D view	104		14-Sep-2020
Location plan	105		14-Sep-2020
Existing site plan	106		14-Sep-2020
Existing block plan	107		14-Sep-2020
Proposed site plan	108		14-Sep-2020
Existing plans and elevations	109		14-Sep-2020
Proposed elevations	110		14-Sep-2020
Preliminary bat roost assessment	BG20.234		14-Sep-2020
Bat presence and likely absence survey	BG20.234.1		14-Sep-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. The case officer did not request any amended plans or additional information as these were not considered necessary.

Report Dated:

03-Nov-2020