

**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: 2021/62/91035/W

Site Address: 66, Blacker Road, Birkby, Huddersfield, HD1 5HS

Description: Alterations to existing dwelling to form 4 flats and erection of bike shed (within a Conservation Area)

Recommending Officer: Katie Chew

DECISION - REFUSED

I hereby authorise the refusal 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: 18-Aug-2021

Officer Report

Site Description

66, Blacker Road, Birkby, Huddersfield, HD1 5HS

The application site relates to a three-storey mid-terraced stone built dwelling located off Blacker Road which is an adopted road. The dwelling house is stepped back from the public highway and benefits from front and rear garden/amenity areas.

The application site is located within Birkby Conservation Area and there is a Listed Building to the west of the site.

Description of Proposal

The application seeks planning permission for alterations to existing dwelling to form 4 flats and erection of bike shed (within a Conservation Area).

Flat 1

This flat would be accessible from the rear of the dwelling and would be located within the basement. The flat comprises of 2 bedrooms, living/kitchen, bathroom and store. It would have an internal floorspace of approximately 44.88sqm. There would be 1 window to the rear and 2 windows served via a lightwell to the front. All habitable rooms would be served by at least 1 window albeit the quality of the outlook and light gained from these windows will be discussed further into this report.

Flat 2

This flat would be accessible from the front of the dwelling and would be located on the ground floor of the property. This flat comprises of a living/kitchen, double bedroom and bathroom. It would have an internal floorspace of approximately 44.88sqm. There would be 1 window to the front and 2 to the rear. All habitable rooms would be served by at least 1 window.

Flat 3

This flat would be accessible from the front of the dwelling and would be located on the 1st floor. This flat comprises of a living/kitchen, double bedroom and bathroom. It would have an internal floorspace of approximately 44.88sqm. There would be 2 windows within the front and 2 in the rear. All habitable rooms would be served by at least 2 windows.

Flat 4

This flat would be accessible from the front of the dwelling and would be located on the 2nd floor (attic). This flat comprises of a living/kitchen, bathroom and double bedroom. It would have an internal floorspace of approximately 44.88sqm. There would be 2 rooflights in the front and 2 rooflights in the back. All habitable rooms would be served by at least 2 windows; however, the quality of outlook will be discussed further into this report.

Bike Shed

The proposal also seeks to provide a bike shed within the rear garden/amenity space. Access to this shed will be via a shared access from Wheathouse Road. Whilst some information is provided within the submitted drawings, the applicant has not outlined which specific shed they would be wanting to erect (small, medium, large) however, given the scale of the proposals it is considered likely that the large shed would be most appropriate. This shed measures 1.8m in height, 2.8m in width and 1.2m in length.

History of negotiations/amendments received

Amendments were sought to remove both the originally proposed front and rear dormer windows and include a lightwell on the front elevation of the property. Additional information was also requested in respect to how the future occupiers would access the proposed bike shed within the rear garden/amenity area.

Relevant Planning History

There is no relevant planning history at the application site or at adjacent properties.

Representations

Final publicity date expires:

Neighbour Letters – Expired 17th May 2021.

Site Notice – Expired 18th May 2021.

Press Notice – Expired 14th May 2021.

2 representations have been received in objection to the proposals, comments are summarised below:

- Concerns from overlooking from the proposed dormer/attic extension;

Officer note: Noted. Amended plans have been received which now remove the proposed dormer windows to both the front and rear of the property.

- Concerns over noise pollution, litter and damage;

Officer note: The Council's Environmental Health team have been consulted and raised no objections to the proposals in terms of noise or odour.

- Concerned that the proposed dormer/attic extension will affect direct sunlight coming into neighbours gardens;

Officer note: Noted. Amended plans have been received which now remove the proposed dormer windows to both the front and rear of the property.

- The proposed dormer is not in keeping with the design or aesthetics with the majority of neighbouring properties;

Officer note: Noted, the proposed dormers have now been removed from the proposals.

- No objections to the proposed bike shed;

Officer note: Noted.

- Complaints have already been made to Kirklees Environmental Health about the management of litter and refuse at the back of no. 66 which led to a rat infestation. The owners/landlord of the property did nothing to address this at the time.

Officer note: Noted.

Officer note: Whilst amended plans have been received outside of the consultation date given the proposed alterations included the removal of both front and rear dormers, and the installation of a lightwell to the front elevation. It is considered that these alterations would reduce any impact on adjacent neighbouring properties and therefore re-consultation was not considered necessary in this instance.

Consultation Responses

KC Environmental Health – Comments received 20th April 2021. No objections.

KC Highways Development Management – Comments received 19th May 2021. No objections to the proposals subject to a condition requesting details of suitable storage, bin presentation points and access for collection of wastes from the dwellings.

Officer note: A revised drawing has been provided which outlines that access to the bike storage at the rear of no. 66 will be available for all future occupiers from Wheathouse Road to the south west of the application site.

KC Conservation & Design – Comments received 19th April 2021. The Conservation and Design team do not support the proposal for dormer windows.

Planning Policy Background

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 application site is unallocated in the Kirklees Local Plan but is located within a Conservation Area, and a Bat Alert Area. It is also important to note that there is a Listed Building to the west.

Kirklees Local Plan (LP):

- **LP1 – Achieving Sustainable Development**
- **LP2 – Place Shaping**
- **LP7 – Efficient and Effective Use of Land and Buildings**
- **LP11 – Housing Mix and Affordable Housing**
- **LP21 – Highways and access**
- **LP22 – Parking**
- **LP24 – Design**
- **LP30 – Biodiversity and Geodiversity**
- **LP35 – Historic Environment**
- **LP52 – Environmental Protection**

Other Guidance Documents:

- Nationally Described Space Standards
- Highways Design Guide
- House Extensions and Alterations SPD (Adopted)
- House Builders Design Guide SPD (Adopted)

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 20th July 2021, 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. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 5 – Delivering a sufficient supply of homes

- 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
- Chapter 16 – Conserving and enhancing the historic environment

Summary of Principal Planning Issues

The following matters are considered in the assessment below -

- 1) Principle of development
- 1) Scale, design and visual impact of the proposed development
- 2) Impact of the proposed development upon the privacy and amenity of neighbouring properties
- 3) Impact on highway safety
- 4) Other matters
- 5) Conclusion

1 - Principle of Development:

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention in order to preserve or enhance the character and setting of buildings or land within a Conservation Area. This development falls within Birkby Conservation Area and is adjacent to Listed Buildings, the impact on these heritage assets will be assessed below.

Furthermore, this relates to Policy LP35 of the Local Plan and Chapter 16 of the National Planning Policy Framework regarding the historic environment.

LP35 states that:

‘Development proposals affecting a designated heritage asset...should preserve or enhance the significance of this asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm’.

The harm should any be considered to accrue from this development, will be assessed and discussed later in the report.

The site is within a sustainable location close to shops and public transport links. The proposed development would make efficient use of a brownfield site and provide 4 units of residential accommodation. This would increase the supply of housing at a time of national shortage. The principle of development, in this respect, is acceptable subject to the assessment of material planning considerations.

2 - Impact on Visual Amenity and Heritage Assets:

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Local Plan Policy LP24 states that all proposals should promote good design by ensuring the following:

‘the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape’ and that ‘extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers’.

It has been considered that the impact on visual amenity and the Conservation Area would be limited to the main external alterations of the proposal which includes the formation of a lightwell on the front elevation, erection of a bike shed, and installation of a new entrance door at basement level, alterations to 1 existing door to the rear to provide a window, and an enlarged window at basement level. Each element of the development will be assessed below.

Bike Shed

The submitted plans show a bike shed to be erected to the rear of the dwelling. This aspect will be relatively small in scale and size and would benefit from a flat roof which will reduce its overall bulk and massing. The shed is to be constructed from timber and will have a similar appearance to a domestic shed. It is considered that any impact on visual amenity would be satisfactory as this element would blend in with its domestic surroundings.

Enlargement of basement window, excavation to create stairwell & installation of new entrance door

In order to provide better outlook, natural light and access into flat 1 located on the lower ground floor, the existing window to the rear is to be replaced with a larger window that is to be of a similar design to those which already exist within the host dwelling, a new access door is to be provided and land excavated out to create the proposed stairwell. Given that the window and door are to be of a similar design and size to what currently exists within the dwelling, there are no concerns in respect to amenity. In addition, land is to be excavated down by approximately 1.8m to create the new access. As this will be below ground and to the rear of the dwelling any impacts arising from this alteration are considered to be minimal.

Replacement window for existing door to rear

To the rear of the dwelling the existing access door is to be removed and replaced with a large window which will be of a similar scale and design to windows already found within the property. It is therefore considered that any impact on the visual amenity of the area would be minimal.

Finally, the Council's Conservation and Design officers were consulted on the proposals and raised no objections to the alterations to the basement or the proposed bike shed.

For the reasons outlined above, the proposed alterations are considered to not harm the visual amenity of the area or indeed the significance of Birkby Conservation Area. The proposal is considered to accord with policies LP24 and LP35 of the Kirklees Local Plan, Chapters 12 and 16 of the NPPF and the Council's adopted SPD 'house extensions and alterations'.

3 - Impact on Residential Amenity:

The National Planning Policy Framework states that Local Planning Authorities should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings. This is echoed within Kirklees Local Plan Policy LP24 which states that: -

'proposals should provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings and the creation of development-free buffer zones between housing and employment uses incorporating means of screening where necessary'.

With regards to residential amenity, the proposal seeks to convert a 7 bedroomed dwelling into 4 flats (total of 5 bedrooms). As such it can be said that the development is unlikely to significantly intensify the use given the size of the units to be provided. In addition to this the flats would be served utilising the existing openings with just a couple of minor alterations to create a new entrance door at basement level and a larger window opening. A lightwell is also proposed on the front elevation of the dwelling. The new openings and additions to the dwelling are not considered to raise any significant concerns in respect to loss of privacy and overlooking to adjacent neighbouring properties.

With regards to the size of the units, paragraph 130 (f) of the NPPF refers to creating places that have a high standard of amenity for existing and future users. It is also highlighted that policies may also make use of the nationally described space standard. This is also supported within the Council's recently adopted SPD Housebuilders Design Guide which states that the Council recognises the nationally described space standards as best practice to ensure that new homes are able to meet basic lifestyle needs and provide high standards of amenity for future occupiers. The proposals are therefore assessed against the nationally described standards below – which states that the minimum gross internal floor areas and storage for a one-bedroom flat with one person should be 39 sqm, a one bedroomed flat with two people should be 50sqm, and that a two bedroomed flat with three people should be

61sqm. These are taken for reference alone and the application is considered against general Design Policy LP24 of the Local Plan where this includes the requirement that proposals 'should promote good design by ensuring...they provide a high standard of amenity for future... occupiers'.

All of the flats measure approximately 44.88sqm (however this does include the stairways and therefore would be somewhat smaller and furthermore there is no detail of where the head height in the attic apartment would exceed 1.5m in height so the useable floorspace of this flat is lower than the gross floorspace specified). Given the above recommendations it is considered that all 4 units would fall short of this part of the national standards which, in terms of general amenity considerations would not provide a good living standard for future occupiers.

In terms of bedroom size, the technical guidance recommends that a double room provide at least 11.5sqm of floor space (with at least one double being 2.75m wide) and that a single bedroom provide at least 7.5sqm (and is at least 2.15m wide).

In regards to Flat 1 the double bedroom has an approximate floor area of 10.8sqm, and a width of 2.4m. The second single bedroom is to have a floorspace of 6.27sqm and width of 1.9m. Both of these bedrooms would fall short of the above standards. Flat 2's double bedroom has an approximate floor area of 10.3sqm and a width of 2.3m. This bedroom therefore also falls short of the standards. Flat 3's double bedroom has an approximate floor area of 12.3sqm and a width of 4.4m. This bedroom would meet the recommended standards. Finally Flat 4 would comprise of one double bedroom measuring approximately 14.96sqm and would have a width of 4.4m. This bedroom would also meet the standards. However, it is noted that as this room is to be located within the attic space it is likely that there is restricted headroom in parts. No section drawings have been provided by the applicant's agent and therefore an assessment of this cannot be undertaken. When considering the likely areas of restricted headroom, it is likely that this flat may not meet the standards recommended. The standards state that a minimum floor to ceiling height is to be 2.3m for at least 75% of the gross internal area.

It is noted that should the proposed double bedrooms be amended to single bedrooms, the proposals, in this respect alone, may be appropriate.

Moving on to outlook and light. In terms of accessing natural light, rooms within the ground floor and first floor are to utilise existing fenestrations with all of the habitable rooms within the proposed flats having access to at least 1 window, this is therefore considered to be acceptable in terms of amenity. Whilst it is noted that flat 4 would only have access to 4 roof lights given the expected height of the room, it is in officers opinion that views would be able to be gained from these would and that they would provide a constant source of daylight. It is therefore considered acceptable in this instance.

Flat 1 is located at lower ground floor level and would comprise of a total of 2 windows to the front elevation and 1 window to the rear. These windows are

located partly above but mostly below ground. The provision of habitable space within a basement is far from ideal, with light and outlook being consequently very poor even with the new lightwell proposed to the front. Views from the windows to the front would be at or near the level of the existing front garden and therefore somewhat restricted. Whilst it is acknowledged that natural light taken from the rear window would be a little better given the excavation required to create the stairwell, the outlook would remain substandard with future occupiers looking out to a retaining wall, with no views out into the rear garden area. In addition, it must be noted that the basement windows would be close to Blacker Road itself which is a busy thoroughfare, especially in this location close to its signal controlled junction with Wheathouse and St. John's Road. The potential for noise and disturbance from traffic, including queueing traffic, added to the lack of habitable space, light and outlook would result in a poor standard of amenity for future occupiers.

As such, taking the above assessment into account, it is considered that the overall living environment for future occupants of flat 1 would be gloomy and oppressive, with limited access to natural light and a poor outlook together with likely disturbance from traffic on Blacker Road. As such the proposals are not deemed to be acceptable in terms of residential amenity and would not comply with Local Plan Policies LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and the Council's adopted SPD's.

4 - Impact on Highway Safety:

Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Local guidance recommends that one off-street car parking space should be provided for 1 bedroomed dwellings, with 1 visitor parking space per 4 dwellings. No parking is proposed for the application however, due to the local parking restrictions, type of proposal and the reasonably sustainable location of the site highways officers raise no concerns. The provision of a bike shed to the rear of the property is also considered to be a promotion of sustainable transport and is therefore seen as beneficial.

As no details have been provided in respect to waste storage or collection, it is recommended that a pre-commencement condition be provided which requires details of suitable storage, bin presentation points and access for collection of wastes from the proposed dwellings.

For the aforementioned reasons, it is considered that the scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, and the guidance contained within the National Planning Policy Framework.

Other Matters:

Biodiversity

Whilst it is acknowledged that the site is located within a Bat Alert Area, given the scale of the proposals and the minimal changes to be made to the roof of the dwelling it is considered unlikely that roosting bats would be disturbed during construction works. However an informative will be provided should planning permission be granted, highlighting to the applicant what to do should bats be found.

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, due to the nature of the proposal it is not considered reasonable to require the applicant to put forward any specific resilience measures. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

There are no other matters for consideration.

6 - 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 proposed development would not constitute sustainable development and is therefore recommended for refusal.

Recommendation:

Refuse.

Decision Authorisation - Delegated Powers

Application Number: 2021/91035

Officer Recommendation: Refuse.

Reason for Refusal:

1. The proposed development, by reason of the limited floorspace provided for each apartment, would not provide a good standard of amenity for future occupiers. In addition habitable room windows located within the proposed Flat 1 (basement) would, by reason of the relationship between the windows and existing ground levels, experience severely restricted natural light and outlook and would also likely experience disturbance from traffic on Blacker Road. The proposed development would therefore fail to provide a high level of amenity to future occupiers of the dwellings, contrary to the aims of paragraph 130(f) of the National Planning Policy Framework, Policy LP24b of the Kirklees Local Plan

Plans and specifications schedule:-

Plan Type	Reference	Web ID	Date Received
Conversion of Existing House to 4 Flats Existing Plans	(20)002	-	22 nd June 2021
Conversion of House to 4 Flats Proposed Plans & Elevations	(20)002	B	21 st July 2021
Conversion of 4 Flats Bike Store Elevations	(20)003	A	24 th May 2021
Heritage Statement – Supporting Information	-	-	8 th April 2021

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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

Amendments were sought to remove both the originally proposed front and rear dormer windows and include a lightwell on the front elevation of the property. Additional information was also requested in respect to how the future occupiers would access the proposed bike shed within the rear garden/amenity area.

Report Dated:

17/08/2021

