

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:	2022/62/91604/W
Site Address:	66, Blacker Road, Birkby, Huddersfield, HD1 5HS
Description:	Alterations to existing dwelling to form 3 flats with rear dormer and erection of bike shed (within a Conservation Area)
Recommending Officer:	Katie Chew

DECISION - Refusal

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.

Stuart Howden

AUTHORISED OFFICER

Date: 25th July 2022

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 Grade II listed building to the west of the site.

Description of Proposal

The application seeks permission for alterations to existing dwelling to form 3 flats and erection of bike shed (within a Conservation Area).

Flat 1

This flat would be accessible from the front and rear of the dwelling and would be located on the ground floor. The flat comprises of one double bedroom, bathroom, and kitchen/dining area. It would have an internal floorspace of approximately 40sqm. There would be 1 window to the front and 1 window to the rear. All habitable rooms would be served by at least 1 window.

Flat 2

This flat would be accessible from the front of the dwelling and would be located on the first floor of the property. This flat comprises of one double bedroom, bathroom, kitchen/living area. It would have an internal floorspace of approximately 46sqm. There would be 2 windows to the front and 2 windows to the rear. All habitable rooms would be served by at least 2 windows.

Flat 3

This flat would be accessible from the front of the dwelling and would be located on the second floor within the attic space. This flat comprises of one double bedroom, bathroom and kitchen/living area. It would have an internal floorspace of approximately 35sqm although no section drawings have been provided to outline the head heights of this flat and therefore the useable floorspace may be much less. There would be 2 rooflights to the front and a gable dormer window to the rear. The gable dormer is proposed under this application. All habitable rooms would be served by at least 1 window; 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. Should permission be granted, this matter could potentially be dealt with by condition.

History of negotiations/amendments received

No amendments have been sought in this instance as the proposals were deemed to be wholly unacceptable upon submission.

Relevant Planning History

2021/91035 – Alterations to existing dwelling to form 4 flats and erection of bike shed (within a Conservation Area). Refused on 25th August 2021. This application was refused for the following reason:

‘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’.

Representations

Final publicity date expires:

Neighbour Letters – Expired 27th June 2022.

Press Notice – Expired 1st July 2022.

Site Notice – Expired 16th June 2022.

2 objections have been received; comments are summarised below.

- The proposed dormer/attic extension and second flat conversion will cause direct overlooking and detrimentally affect the privacy of neighbouring gardens.

Officer note: Noted. Residential amenity is discussed in more detail within the residential amenity section of this report.

- A dormer window would be out of character within the Conservation Area.

Officer note: Noted. This is discussed in more detail within the visual amenity section of this report.

- Concerns over increased noise, nuisance and a return of unmanaged rubbish, alongside a lack of community cohesion.

Officer note: Noted. As the proposals seek to convert an existing 7 bedroomed house into 3 one bedroomed flats it is not considered that there would be a significant increase in noise pollution. A condition, should the application be approved, will also be attached relating to bin storage and collection points. This is considered to be sufficient to mitigate concerns relating to unmanaged rubbish. Community cohesion would unfortunately fall outside the remits of this application and therefore cannot be assessed within this report.

- Planning permission was previously refused for the construction of five bedsits.

Officer note: Noted, although each application is assessed on its own merits

- The proposed dormer/attic extension will directly affect the amount of sunlight coming into neighbouring properties gardens.

Officer note: Noted. Light and overshadowing is discussed in more detail within the residential amenity section of this report.

- Complaints have been made previously to Kirklees ENVH about the mismanagement of litter and refuse to the back of no. 66 which led to a significant rat infestation in early/mid 2020, proving costly to neighbours who subsequently had to call their own vermin management which is now ongoing. The landlord/owner of no. 66 did nothing to directly address these issues at the time, action was only taken once the Council were involved.

Officer note: Noted.

- Concerns over who the future occupants of the properties may be as there is already crime and disorder within the area. In addition, in the late 1990s/early 2000's a terraced home on the same road was turned into a HMO, with no rental restrictions it was leased to a prison release housing support agency, this escalated violent incidents and threats, excess noise both day and night, criminal damage and theft from neighbouring properties occurred over a long number of years.

Officer note: Noted. Unfortunately, this would fall outside the remits of planning and therefore cannot be assessed within this report.

- Concerns about turning a historic family home into 3 separate flats, this neighbourhood already has ample single letting options many of which are regularly advertised as being unoccupied. Student accommodation is rarely 3 separate dwellings with 3 separate kitchens; this type of accommodation adversely affects the ability for families to access affordable, social and diverse housing and community that communally residents have worked hard to reclaim.

Officer note: Noted, although each application is assessed on its own merits.

Consultation Responses

KC Conservation & Design (Informal) – The Conservation & Design officer reiterates that dormers within this location would not be acceptable and would break up the simple line of the pitched roofs along this terrace. They refer to their previous comments made on refused application 2021/91035.

Parish/Town Council

N/A.

Local Ward Members

N/A.

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) and the Holme Valley Neighbourhood Development Plan (adopted 8th December 2021).

The application site is unallocated in the Kirklees Local Plan but is located within Birkby Local Centre, Birkby Conservation Area and a Bat Alert Area. It is also important to note that there are Grade II listed buildings located adjacent to the site to the north-west.

Kirklees Local Plan (LP):

- **LP1 – Achieving Sustainable Development**
- **LP2 – Place Shaping**
- **LP 3 – Location of New Development**
- **LP7 – Efficient and Effective Use of Land and Buildings**
- **LP11 – Housing Mix and Affordable Housing**
- **LP13 – Town Centre Uses**
- **LP20 – Sustainable Transport**
- **LP21 – Highways and access**
- **LP22 – Parking**

- **LP24 – Design**
- **LP30 – Biodiversity and Geodiversity**
- **LP35 – Historic Environment**
- **LP51 – Protection and Improvement of Local Air Quality**
- **LP52 – Protection and improvement of environmental quality**

Other Guidance Documents:

- Nationally Described Space Standards
- Highways Design Guide (2019)
- Housebuilders Design Guide SPD (2021)
- Waste Management Design Guide for New Developments (Version 5, October 2020)
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021)
- Kirklees Climate Change Guidance for Planning Applications (2021)

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 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 7 – Ensuring the vitality of town centres
- Chapter 9 – Supporting sustainable transport
- 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) Impact of the proposed development upon the visual amenity of the area and historic environment
- 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:

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

The site is not displayed as allocated on the KLP Policies Map. Policy LP2 states that:

“All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below...”

The site is within the Huddersfield sub-area. The listed qualities will be considered where relevant later in this assessment.

The housing land supply position has recently been updated to provide evidence for a forthcoming planning appeal against the refusal of planning permission. The Council can currently demonstrate 5.17 years of deliverable housing land supply and therefore continues to operate under a plan-led system.

Chapter 7 of the NPPF relates to ensuring the vitality of town centres and states that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaption. Paragraph 86 states that it should be recognised that residential development often plays an important role in ensuring the vitality of centres and encourages residential development on appropriate sites.

Policy LP13 of the Kirklees Local Plan relates to town centre uses and sets out that within Kirklees, main town centre uses shall be located within defined centres. These consist of principal town centres, town centres, district centres and local centres. This Policy outlines that proposals that have a significant adverse impact on the vitality and viability of a centre, or compromise the role and function of a centre will not be supported. This Policy goes on to note that main town centre uses which are appropriate in scale, help to retain an

existing centre's market share, and enhance the experience of those visiting the centre and the businesses which operate in that centre will be supported.

As the site is already in a residential use, it is considered that the proposed subdivision of the unit will not unduly impact upon the function, role or vitality of the Birkby Local Centre

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 3 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 which shall be discussed below.

2 – Impact on Visual Amenity and Heritage Considerations:

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’.

Section 66 of the Planning (Listed Buildings & Conservation Areas) Act (1990) states that for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings & Conservation Areas) Act (1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area.

Sections 66 and 72 of the Planning (Listed Building & Conservation Areas) Act (1990) are mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Furthermore, Policy LP35 states that: *“development proposals affecting a designated heritage asset...should preserve or enhance the significance of*

the 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.”.

Paragraph 199 of the NPPF states: “*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation...*”. This is further supported by paragraph 202 of the NPPF outlines that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this weight should be weighed against the public benefits of the proposal.

Principle 2 of the Housebuilders Design Guide SPD highlights that new residential development would be expected to create a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.

Principle 15 states that the design of the roofline should relate well to site context. Further to this, Principle 13 states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area, whilst

Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties.

Moving on to the impact on the Birkby Conservation Area, No. 66 Blacker Road is an unlisted four-storey terraced house located within Birkby Conservation Area near a major crossroad of Wheathouse Road, Blacker Road and St John’s Road. In addition, located around 14 metres to the west along Wheathouse Road are the Grade II 4 Wheathouse Road and Grade II 6 Wheathouse Road. Buildings on this terrace are constructed in hammer dressed stone with blue slate roofs and chimney stacks, typical of Victorian terraces in this Conservation Area. An exception to this is No. 64 Blacker Road which has concrete roof tiles and flat roofed dormer windows to both the front and rear which are finished in white cladding.

The proposal is for a change of use with some alterations involving the erection of a rear dormer window, bike shed, lightwell and replacement window. The submitted Heritage Statement, does not provide much detail of assessment of the impacts of the proposed development on the Birkby Conservation Area, or on adjacent Listed Buildings.

Given the nature of the scheme, which is a resubmission of a previously refused application ref. 2021/91035 for similar proposals, the Council’s Conservation & Design Officer was not formally consulted, but informal discussions were had in respect of the proposed rear dormer of which they reiterated their previous comments submitted under refused application ref. 2021/91035. This is discussed in further detail below.

Lightwell

To the front of the dwelling a new lightwell is to be erected. Whilst no details have been provided in relation to the basement of the dwelling as outlined within the previously refused application ref. 2021/91035, officers would like to reiterate that this basement would not provide suitable living accommodation for an additional flat, this is due to lack of outlook, natural light and concerns in respect to noise generated from Blacker Road. However, in terms of visual amenity, given that the lightwell will be small in scale and size it is considered acceptable in this location.

Dormer Window

To the rear of the dwelling a new dormer window is proposed. The dormer is to measure approximately 2.7m in width, and 2.6m in height. No side elevation drawings have been provided and therefore the depth of the proposed dormer window is unknown. Given previous discussions with the Council's Conservation & Design team on the erection of dormer windows at this property under previously refused application 2021/91035 it is considered that inserting a dormer window on the rear roof pitch will lead to less than substantial harm to the significance of the conservation area (the designated heritage asset) by breaking up the simple line of the pitched roofs along this terrace. The harm will be particularly pronounced to the rear pitch as it is visible from Wheathouse Road and is seen in context with the two listed buildings. The proposed bulky and disproportionate dormer is not considered to preserve or enhance the significance of the conservation area or maintain the distinctive character of the repetition of the terraces and clean roof lines, which are an important part of the character of this conservation area.

Officer note: Whilst it is acknowledged that no side elevations or cross section drawings were provided within this submission, it is considered that there is sufficient information submitted at this stage for the Local Planning Authority to make a decision on the application. However, if the Council were to recommend approval of the proposed scheme these drawings would be required prior to a decision being made.

Bike Shed

The submitted plans display a bike shed to be erected to the rear of the dwelling. This aspect will likely 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. Further details could be conditioned for completeness should permission be granted.

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.

Conclusion

For the reasons outlined above, the proposal, most specifically the proposed rear dormer window by reason of its siting, massing, form and design within this sensitive location of Birkby Conservation Area, would fail to be in keeping with the host property and detract from the character and appearance of the area. The proposals would lead to less than substantial harm to the significance of the Conservation Area and the nearby Grade II listed buildings of 4 Wheathouse Road and 6 Wheathouse Road, which no convincing justification has been provided for the proposed works.

Whilst the proposal would provide additional housing, as outlined below, these are not all considered to benefit from a good standard of amenity and such benefits do not outweigh the less than substantial harm to the significance of the heritage assets identified. Thus, there are considered to be no public benefits that outweigh such harm to the heritage assets

The proposal would therefore be contrary to Policies LP1, LP24 and LP35 of the Kirklees Local Plan, Chapters 12 and 16 of the National Planning Policy Framework, Section 66 and 72 of the Planning (Listed Building and Conservation Areas) Act and Principles 2 and 15 of the Council's adopted Housebuilders Design Guide SPD.

3 – Impact on Residential Amenity:

Sections B & C of the Kirklees Local Plan Policy LP24 which states that alterations to existing buildings should:

“Maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers’.

Further to this, paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future occupiers.

With regards to residential amenity, the proposals seek to convert a 7 bedroomed dwelling into 3 one bedroomed flats. 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 utilising the existing openings with just a few alterations to replace the existing back door with a large window, installation of a lightwell to the front elevation of the dwelling and a new dormer window to the rear. The new openings and additions are not considered to raise any significant concerns in respect to loss of privacy and overlooking to adjacent properties as there would be a similar relationship to what currently exists at the site. Whilst the dormer window would provide new views out from the rear at second floor level, given

its location it would look out across adjacent residential amenity areas rather than directly into them. In addition, the proposed dormer window is not considered to appear overbearing, or provide any significant overshadowing that would be a detriment to any neighbouring properties.

Amenity of future occupiers

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 under Principle 16, 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 standards state that the minimum gross internal floor areas and storage for a one-bedroom flat with one person should be 39 sqm, a one bed roomed flat with two people should be 50sqm. 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*'.

Flat 1 measures 40sqm, Flat 2 measures 46sqm and Flat 3 measures 35sqm. However, it is also noted that flat 3 is located within the roof space of the existing dwelling and without any details showing the head heights of this space officers cannot assess the overall size of this space. Although it is likely that the useable internal floor space would be less than 35sqm. Given the above recommendations, it is considered that all 3 units would fall short of this part of the national standards should double bedrooms be provided. Flats 1 & 2 would be acceptable should just 1 person occupy each flat. However, flat 3 would not be suitable in this instance and would not provide an adequate living standard for any future occupier.

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

With regards to Flat 1 the double bedroom has an approximate floor area of 10.68sqm and a width of 2.39m. Thus, supporting the view that this bedroom should be occupied by one single person. The bedroom at Flat 2 has an approximate floor area of 11.9sqm and a width (at its smallest) of 3.3m. The bedroom at Flat 3 has an approximate floor area (not taking into account floorspace which has a head height of less than 1.5m) of 12sqm and a width of 4.6m.

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. At second floor level Flat 3 is to have access to 2 existing rooflights and a new rear dormer window, and it is in officers' opinion that whilst rooflights are not the most favoured windows to gain natural light and outlook into properties, views would be able to be gained from these in this instance and that they would provide a constant source of daylight. It is therefore considered acceptable on this occasion.

Officer note: Again, it is acknowledged that no side elevations or cross section drawings were provided within this submission, it is considered that there is sufficient information submitted at this stage for the Local Planning Authority to make a decision on the application. However, if the Council were to recommend approval of the proposed scheme these drawings would be required prior to a decision being made.

In conclusion, taking the above into account it is considered that Flats 1 & 2 would be acceptable should they be occupied by 1 single person. Flat 3 however would fall below the recommended guidelines for gross internal floorspace, and therefore would result in a poor standard of residential amenity for any future occupier. As such the proposals are not considered to comply with Policy LP24 of the Kirklees Local Plan, Principle 16 of the Council's Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

4 - Impact on Highway Safety:

Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact to highway safety and provide sufficient parking. 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.

Principle 12 of the Housebuilders Design Guide sets out, amongst other things, that parking to serve dwellings should not dominate streets and should be to the side / rear.

Principle 19 of the Housebuilders Design Guide states that provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development.

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 officers believe that there would be no significant highways safety concerns in this instance. 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, a condition could be provided if permission should be granted, 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 concluded 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, Principles 12 and 19 of the Housebuilders Design Guide SPD and the guidance contained within the National Planning Policy Framework.

5 - Other Matters:

Biodiversity

Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers. Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Whilst the application site is located within a Bat Alert Area, the works proposed to the roof space are deemed to be minor and the dwelling appears to be well sealed to the eaves. It is therefore considered unlikely that roosting bats would be disturbed during construction works. However, an informative will be attached should the application be approved, highlighting to the applicant what to do should roosting bats be found during works.

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 predates 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.

Principle 18 of the Housebuilders Design Guide sets out that new proposals should contribute to the Council's ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their reliance on sources of non-renewable energy. Proposals should seek to design water retention into proposals.

The proposal is for a small-scale development to an existing building in a relatively sustainable location. As such, no special measures were required in terms of the planning application with regards to carbon emissions. 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 development proposals do not accord with the development plan and/or the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material consideration.

Recommendation: Refuse.

Decision Authorisation - Delegated Powers

Application Number: 2022/91604

Officer Recommendation: Refuse.

Reason(s) for Refusal:

1. The proposed development, by reason of the limited amount of useable internal floorspace provided within Flat 3, would provide a poor standard of amenity to future occupiers. Therefore, the development would be contrary to the aims of National Planning Policy Framework paragraph 130(f) of the National Planning Policy Framework, Principle 16 of the Housebuilders Design Guide SPD and Policy LP24(b) of the Kirklees Local Plan.
2. The proposed rear dormer window, by reason of its siting, massing, form and design, would introduce an unsympathetic, incongruous, disproportionate and dominant addition to the host property No. 66 Blacker Road. The proposed dormer would not maintain the distinctive character of the repetition of the terraces and clean roof lines, which are an important part of the character of Birkby Conservation Area. The development would therefore cause detrimental harm to the visual amenities and overall character of the area. The proposal would also cause less than substantial harm to the significance of the Birkby Conservation Area and the nearby Grade II listed buildings of No. 4 Wheathouse Road and No.6 Wheathouse Road which no convincing justification or public benefits have been provided. The proposal would therefore be contrary to Policies LP1, LP24 and LP35 of the Kirklees Local Plan, Chapters 12 and 16 of the National Planning Policy Framework, Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act and Principles 2 and 15 of the Council's adopted Housebuilders Design Guide SPD.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Conversion of House to 3 Flats – Proposed Plans & Elevations	(20)002	-	10 th May 2022
Conversion of Existing House to 4 Flats – Existing Plans	(20)002	-	10 th May 2022
Heritage Statement – Supporting Information	-	-	18 th May 2022

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. No amendments were sought in this instance as the proposals were considered to be wholly unacceptable upon submission.

Report Dated: 21/07/2022