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:	**2022/62/91950/E**
Site Address:	3-5, Church Street, Emley, Huddersfield, HD8 9RW
Description:	Conversion of dwelling to 2 apartments with new entrance
Recommending Officer:	Nina Sayers

DECISION – FULL CONDITIONAL PERMISSION

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 25-NOV-2022

Officer Report

Site Description

3-5 Church Street is a two storey, semi-detached dwelling in Emley, Huddersfield. This application relates directly to no.3 Church Street. The property is finished in stone and there is a single storey porch erected to the front elevation. The property has a large area to the front which is used for parking and amenity space.

The property is attached to no.5 Church Street which is accessible via the front of the application site. The site is located on the junction with Beaumont Street. It is a predominantly residential area with some commercial units. The neighbouring properties vary in design but are predominantly finished in stone.

Description of Proposal

The application is seeking planning permission for the conversion of a single dwelling to 2 apartments with new entrance.

The proposed conversion would split the existing property into two, two-bedroom dwellings with associated living accommodation. The only external alterations would be the amendment of an existing window into a doorway to provide access to the second dwelling.

History of negotiations/amendments received

The original plans showed the removal of the existing porch at no.5 which was an error. Officers also requested that the applicant provided a site plan showing parking provision, bin storage and amenity space. New plans were provided and considered acceptable. This was not re-advertised as the principle of development did not change following amendments.

Relevant Planning History

No relevant planning history.

Representations

The application was advertised by neighbour letter and publicised online. Final publicity expired 27/07/2022.

No representations were received in response to the above publicity.

Denby Dale Parish Council raised no objections to the scheme.

Consultation Responses

KC Environmental Health – no objections subject to conditions.

KC Highways DM informal – no objections subject to conditions.

KC Waste Strategy informal – no objections.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019). The Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), both require development to be considerate in terms of the character of the host property and the wider street scene.

The site is unallocated on the Kirklees Local Plan.

Kirklees Local Plan:

- **LP1** – Achieving sustainable development
- **LP2** – Place shaping
- **LP21** – Highways and access
- **LP22** – Parking
- **LP24** – Design
- **LP30** – Biodiversity and geodiversity

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 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.

- Chapter 2 – Achieving sustainable development
- Chapter 12 – Achieving well-designed places

Assessment

The following matters are considered in the assessment below –

1) Principle of development
1) Impact on visual amenity and historic environment
2) Impact on residential amenity
3) Impact on highway safety
4) Other matters
5) Representations
6) Conclusion

<u>1 – Principle of development</u>:

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP 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 is for the conversion of one dwelling to two dwellings and would include minor amendments to the exterior of the property. The property is located in a residential area and is surrounding by properties of a variety of sizes. In this case, the principle of development is considered acceptable and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

These issues along with other policy considerations will be addressed below.

2 – Impact on visual amenity

Chapter 12 of the NPPF sets out that decisions should ensure that, amongst other things, developments are sympathetic to local character, including the surrounding built environment (para.127 of the NPPF). Policy LP24 of the KLP expands on this further, setting out that good design should be at the core of all proposals in the district.

The proposed development would require minimal alterations to the exterior of the property. A new doorway would be installed, within an existing window opening, which would be in keeping with the character and design of the host dwelling.

A site plan has been provided showing parking provision and amenity space for all three dwellings. The land to the front of the property is currently predominantly hardstanding and therefore the introduction of a larger amenity space would be beneficial to the visual amenity of the front of the property.

Having taken the above into account, the proposed development would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene complying with Policy LP24 of the Kirklees Local Plan and the aims of chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out in terms of policy LP24 c), which states that proposals should promote good design by, amongst other things, providing a high standard of amenity for future and neighbouring occupiers.

The proposed development would include minimal external works which would result in a new doorway to replace an existing opening to the front of the property. the proposal is therefore considered to not cause any additional harm to the amenity of the neighbouring occupants, over and above the existing arrangements on site.

Amenity of the Proposed Occupiers

Principle 16 of the Housebuilders Design Guide SPD states that: *"All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan."* Further to this, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *"All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces."*

Although it is noted the proposal is not for the erection of a new residential unit, the proposal would result in an addition dwelling. 'Flat 2' is demonstrated on the plans as having two double bedrooms. However, it is noted that the smaller of the two bedrooms does not meet the recommended floor space for providing two bedspaces. Therefore, both dwellings are being considered as 3 person dwellings. As such, the proposed dwellings both exceed the minimum recommendations as set out within the NDSS for such a dwelling, and the proposed amenity garden is considered to be a good size for dwellings of this scale and an improvement on the existing.

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 and LP52 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, and Paragraph 130 (f) of the National Planning Policy Framework.

4 – Impact on highway safety

The proposed development would result in two two-bedroom properties. In which case a parking space per property is required. Amended plans were sought and requested to show parking provision for both new dwellings, and the existing no.5. Amended plans were provided showing adequate parking provision for 3 vehicles and additional bin storage. As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policy LP21 and LP22 of the Kirklees Local Plan.

5 – Other matters

There are no other matters for consideration.

6 - Representations

No representation was received in response to the publicity of this application.

7 – Conclusion

This application to convert one dwelling to two apartments with new entrance at 3-5 Church Street, Emley has been assessed against relevant policies in

the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations.

Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed extension is considered to be acceptable.

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.

As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation **Approve**

Decision Authorisation - Delegated Powers

Application Number: 2022/91950

Officer Recommendation: Approve

Conditions and Reasons

1.The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP13, LP21, LP22 and LP24 of the Kirklees Local Plan, Key Design Principles of the House Extension SPD and the aims of the National Planning Policy Framework.

3. The approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.
Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and in accordance with Policy LP22 of the Kirklees Local

NOTE: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of: 07.30 and 18.30 hours, Mondays to Fridays 08.00 and 13.00hours, Saturdays
With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice.
This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	2399-OS		08/06/2022
Grouped Plans and Elevations	2399-1	A	04/11/2022

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 Planning 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 original plans showed the removal of the existing porch at no.5 which was an error. Officers also requested that the applicant provided a site plan showing parking provision, bin storage and amenity space. New plans were provided and considered acceptable.

Report Dated: 25/11/2022