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:	**2022/62/92158/W**
Site Address:	23, Helted Way, Almondbury, Huddersfield, HD5 8XZ
Description:	Alterations to convert integral garage to extended living accommodation
Recommending Officer:	Amy Woodhead

DECISION – Condition 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.

Stuart Howden

AUTHORISED OFFICER

Date: 01-Sep-2022

Officer Report

Reference: 2022/92158

Location: 23, Helted Way, Almondbury, Huddersfield, HD5 8XZ.

Proposal: Alterations to convert integral garage to extended living accommodation.

Site Description.

23 Helted Way is a detached, two-storey property located in Almondbury, Huddersfield. The property is faced in coursed natural stone, and has a dominant gable roofing form, infilled with tiles. The property benefits from an integral garage. Within the wider curtilage, the property also benefits from front and rear garden amenity space, and on-site parking provisions are available to the front of the dwelling.

The property is located within a residential area (a modern residential estate) that has a strong sense of similarity. Properties within the wider street scene of Helted Way are predominantly detached in their construction style, and faced in similar exterior construction materials.

The application site is unallocated in the Kirklees Local Plan. However, permitted development rights are removed for garage conversions.

Description of Proposal.

Planning permission is sought for alterations to convert the integral garage to extended living accommodation.

The alterations to the integral garage present no changes to the existing footprint of the structure, nor to the height. The garage walls would remain faced in coursed natural stone and the existing roofing style would be retained.

The fenestration details would be altered, removing the existing garage door to the front elevation and replacing it with double glazed bi-folding doors. There would also be a new obscured glass, double glazed window fitted on the southern (side) elevation of the property, and a new roof light would be fitted within the existing roof above the integral garage.

The frames around the new double glazed bi-folding doors and the obscured glass double glazed window would match the existing PVCu windows and doors on the dwellinghouse.

History of Negotiations.

No negotiations were necessary, and no amended plans were sought.

Relevant Planning History.

1993/01853 – Erection of 67 detached houses, 2 semi-detached bungalows, 7 detached bungalows and 16 flats. *"Condition (20) – Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 permitted development rights are withdrawn for the conversion of the integral garages to residential accommodation". Reason: So that adequate provision is made within the site in the interest of the safety and free flow of traffic.*

1996/91302 – Erection of 31 no two storey detached dwellings (plot 28, 39-68). *Condition (10) – "Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, permitted development rights are withdrawn for the conversion of the integral garages". Reason: In the interests of the free and safe use of the highway.*

The above issues will be discussed in Section 3 – Impact on Highway Safety.

To neighbouring properties:

- **2011/92968** – 5 Helted Way – Alterations to convert existing garage to accommodation. *Granted permission in 2012.*
- **2018/91843** – 28 Helted Way – Alterations to convert garage to living accommodation and formation of front and side windows. *Granted permission in 2018.*

Representations.

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters which expired on 4 August 2022 – no representations were received.

Consultation Responses.

None required.

Policy/Legislation.

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.

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping

- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design
- LP 51 – Protection and Improvement of Local Air Quality

Supplementary Planning Documents:

- House Extensions and Alterations SPD (2021)

The Kirklees House Extension and Alterations SPD, adopted on 29 June 2021, has been prepared to help householders, developers, agents and architects who are planning and designing an extension or alterations (householder development) to an existing residential property, including conservatories and outbuildings, such as garages. It provides detailed guidance regarding the standard of development that will help achieve a well-designed house extension or alteration required by the Council. The guidance and additional details on Local Plan policies set out in the SPD have been produced on the principle of 'comply or justify'.

- Highway Design Guide SPD (2019)

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 4 – Decision-Making
- Chapter 9 – Promoting Sustainable Transport
- Chapter 12 – Achieving Well-Designed Places
- Chapter 14 – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- Chapter 15 – Conserving and Enhancing the Natural Environment

Assessment

The following matters that will be considered as part of the assessment of this proposal are set out below. These considerations will be looked at in detail individually:

1) Principle of Development
2) Impact on Visual Amenity
3) Impact on Residential Amenity

4) Impact on Highway Safety
5) Other Matters
6) Representations
7) Conclusion

1. Principle of Development

The application site is without notation in the Kirklees Local Plan (KLP).

Chapter 2 of the NPPF states that:

"Planning policies and decisions should play an active role in guiding development towards sustainable solutions…"

Chapter 2 of the NPPF goes onto further state that objectives should:

"support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment…"

In line with the NPPF, Policy 1 of the Kirklees Local Plan declares that:

"…the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF."

Policy LP1 goes further and states:

"The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area."

Policy LP2 sets out that all development proposals should:

"seek to build on the strengths, opportunities and help address challenges identified in the Local Plan".

Policy LP24 of the KLP is also relevant and states that:

"good design should be at the core of all proposals in the district."

In this instance, it can be stated that the principle of development of this application could be acceptable, subject to the assessment of impacts on visual and residential amenity, as well as highway safety and any other impacts that may arise. These matters will be discussed below

2. Impact on Visual Amenity

The NPPF offers guidance relating to design in Chapter 12 (Achieving Well-Designed Places) whereby paragraph 126 provides a principal consideration concerning design which states:

"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

Policy LP24 states that proposals should promote good design by ensuring:

- "*a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape…*
- *c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...*"

Key Design Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document seek to ensure development is subservient to the host property and in keeping with the character of the locality. Whilst Section 5 of the aforementioned SPD provides advice on specific types of extensions and alterations, it does not provide specific advice on garage conversions.

The proposed alterations to convert the integral garage of 23 Helted Way to extended living accommodation would not significantly impact the visual amenity of the wider street scene, as neither the existing footprint of the garage, nor the height of the structure would alter. The garage would also remain faced in the same coursed natural stone, and the existing roofing style would be retained. The fenestration detailing that would change on the principal and south elevation, would be framed to match the existing PVCu windows and doors on the dwellinghouse.

As such, it is considered that the proposed alterations to accommodate the conversion would be modest and would not cause detrimental harm to the visual amenities of the locality. The proposed development is considered to comply with Chapter 12 of the National Planning Policy Framework, Policy LP24 of the Kirklees Local Plan and Key Design Principles 1 and 2 of the House Extensions and Alterations SPD.

3. Impact on Residential Amenity

Section B and C of Policy LP24 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 users.

Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive/overbearing.

Given the nature of proposed development at 23 Helted Way, it is concluded that there would be no significant impact to the residential amenities of surrounding properties, specifically those which directly neighbour the site (21 and 25 Helted Way). As the footprint and height of the existing garage structure would remain the same, the development presents no significant increase in terms of being overbearing or leading to any overshadowing.

In terms of overlooking, there is to be an additional obscured glass, double glazed window fitted to the southern elevation of the property that would face 21 Helted Way. There is also a side window within No.21 that faces towards the site at round floor level. However, given the boundary treatment between the two properties and that the addition of such a window could be undertaken through permitted development rights, officers have concluded that this would not result in undue levels of overlooking over and above the existing arrangement on site, nor would it pose any detriment to residential privacy.

The additional glazing that is to be fitted to the principal elevation of the property would have no direct impact on neither of the neighbouring properties, 21 and 25 Helted Way given. No. 28 Helted Way sits opposite 23 Helted Way, thus would face the additional glazing. However, given the distance between the two properties, that No.23 has front facing windows already and the fact there is amenity greenspace present to separate properties to the west and east of Helted Way, it is concluded that there would be no undue umpact to residential amenity nor detriment posed to residential privacy as a result of the works.

It is also noted that 28 Helted Way was granted planning permission in 2018, permitting alterations to convert garage to living accommodation and formation of front and side windows.

In accordance with Key Design Principle 7 of the SPD, an appropriate extent of functional amenity space would be retained given that no extensions to the property are proposed.

For the reasons mentioned above, the proposed development at 23 Helted Way is not considered to cause undue harm to the residential amenities of

neighbouring properties. It is therefore considered that the proposed development complies with Chapter 12 of the NPPF, Policy LP24 of the Kirklees Local Plan and Key Design Principles 3, 4, 5, 6 and 7 of the Council's adopted House Extensions and Alterations SPD.

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."*

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety, and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained, are also considered to be of relevance.

The original permission for the estate included a condition *"notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, permitted development rights are withdrawn for the conversion of the integral garages".* The reason for this was in the interests of the free and safe use of the highway.

The aforementioned SPDs set out that for a 4 bedroom dwelling, a minimum of 3 on-site parking spaces are to be expected, subject to the merits of each individual case (i.e. access to public transport and amenities etc).

Whilst the proposal would result in the loss of the garage, there is an existing hard-standing parking area to the front of the dwelling, which appears suitable to allow for 2 vehicles. Whilst this would fall below the advised parking provision within the SPD, the dimensions of the existing integral garage fall below what would be expected to fit a standard modern-day car (as set out in the Highways Design Guide SPD – 6m x 3m). Further to this, the proposal would not increase the number of bedrooms at the site and the site is within walking distance of Almondbury Local Centre which also has frequent busses. Thus, Officers have no objection to the alterations to convert integral garage to extended living accommodation on highways safety grounds

It should also be noted that other properties on Helted Way have converted their integrated garages into living accommodation, but each case is assessed on its own merits

In turn, the proposed development at 23 Helted Way would appropriately accord with Chapter 9 of the NPPF, Policies LP21 and LP22 of the Kirklees Local Plan and Key Design Principle 15 of the House Extensions and Alterations SPD.

There is expected to be no alterations to bin storage and collection arrangements in accordance with Principle 16 of the House Extensions and Alterations SPD.

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 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 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

Considering the small-scale of the proposed development, it is considered that converting the integral garage to extended living accommodation would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the NPPF and Policy LP51 of the Kirklees Local Plan.

Ecology

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.

Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

The application site lies within the bat alert layer on the Council's GIS system. Given the age / design of the property and scale / nature of the proposal it is

not considered necessary for a full assessment of the roof space to be undertaken in this case given the low likelihood for roosting bats to be present.

Even so, as a cautionary measure, in the event of any grant of permission a note would be added to the decision notice, stating that if bats are found development shall cease and the advice of a licensed bat worked sought. This is to accord with the aims of Chapter 15 of the NPPF.

It is not considered proportionate in this instance to seek net gains.

6. Representations

No representations were received.

7. Conclusion

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole, constitute the Government's view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations.

It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approve

Decision Authorisation – Delegated Powers

Application Number: 2022/92158

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, LP21, LP22, LP24 and LP51 of the Kirklees Local Plan, Principles 1-17 of the Council's adopted House Extensions and Alterations SPD and Policies within Chapters 2, 4, 9, 12, 14 and 15 of the National Planning Policy Framework.

Note: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Note: The application site is located in a low-risk coal area.

Plans and Specifications Schedule: -

Plan Type	Reference	Revision	Date Received
Proposed Elevations	4475_PL_04	-	27/06/2022
Proposed Floor Plans	4475_PL_03	-	27/06/2022
Existing Elevations	4475_PL_02	-	27/06/2022
Existing Floor Plans	4475_PL_01	-	27/06/2022
Location Plan	4475_PL_00	-	27/06/2022

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 negotiations took place, and no amended plans were sought or submitted as the application was considered acceptable on submission.

Report Dated: 31/08/2022