

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:	2022/62/93351/W
Site Address:	18, Bradley Grange Gardens, Bradley, Huddersfield, HD2 1QX
Description:	External alterations to convert garage to habitable room with 2 external parking bays to front
Recommending Officer:	Luke Walstow

DECISION – Conditional Full Permission

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

Stuart Howden

AUTHORISED OFFICER

Date: 03-Feb-2023

THE SITE

18 Bradley Grange is a detached dwelling located within the residential area of Bradley, Huddersfield. The dwelling is constructed from brick with a tiled roof. The dwelling benefits from an integral garage and rear garden.

Parking for the dwelling is located to the front of the property. The site is located on the end of a cul-de-sac, with neighbouring properties having similar characteristics, being detached, two storey in height and constructed from brick under a tile roof.

THE PROPOSAL

Planning permission is sought for external alterations to convert garage to habitable room with 2 external parking bays to the front.

The attached garage is located on the eastern elevation of the dwelling (and is within an extension that was approved under 2017/94146). Under this previous permission, the extension was included a play room at ground floor level and not a garage. The conversion will turn the garage into a study room, a WC bathroom with shower and a utility room. The garage door would be replaced with new brick wall which would match existing materials on the dwelling. This wall will have a new window installed constructed from white UPVC frames.

The parking area to the front of the site is to be retained and the block plan displays this can accommodate two vehicles measuring 2.5 metres by 5 metres.

HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED

No amendments have been sought in the processing of this application as it was considered acceptable as submitted.

PLANNING HISTORY

Relevant planning history for this site is summarised as follows:-

2017/94146. Erection of two storey rear extension.
Conditionally Approved

2022/91105. Demolition of rear conservatory and erection of single storey rear extension.
Conditionally Approved

PUBLICITY & REPRESENTATIONS

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, this application has been publicised via neighbour notification letters.

Final publicity date expired 2nd February 2023 – no representations received.

CONSULTATIONS

No statutory consultations were requested for this application.

ALLOCATION & POLICIES

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is unallocated in the adopted Kirklees Local Plan.

Kirklees Local Plan

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 21** – Highway Safety
- **LP 22** – Parking Provision
- **LP 24** – Design
- **LP 30** – Biodiversity and Geodiversity
- **LP 51** – Protection and Improvement of Local Air Quality

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

Other Material Considerations

Kirklees Highway Design Guide (November 2019)
House Extensions and Alterations SPD (June 2021)

Legislation

The Town & Country Planning Act 1990 (as amended).

ASSESSMENT

The following matters are considered in the assessment below –

1. Principle of development
2. Impact upon the character and appearance of the area
3. Impact upon residential amenity
4. Impact upon highway safety
5. Other Matters (e.g. biodiversity, climate change etc)
6. Representations
7. Conclusion

1 – Principle of development:

NPPF Paragraph 11 and Policy LP1 of the Kirklees Local Plan (KLP) 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 without notation on the Kirklees Local Plan. Policy LP1 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 National Planning Policy Framework. LP1 goes on further to state that:

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

Policy LP2 of the Kirklees Local Plan 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 relevant and states that “good design should be at the core of all proposals in the district”.

In this case, the principle of converting the existing could be acceptable subject to an assessment against the applicable material planning considerations within the following report.

2 – Impact on character and appearance of the area

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby 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 of the KLP 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...” and “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 & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality.

Section 5 of this SPD provides advice on specific extensions and alterations, although such a proposal is not covered within Section 5.

The proposed conversion of the garage to living space would have very limited impact on visual appearance, as the majority of change would be taking place internally (and the internal works do not require planning permission). Externally, the replacement of the garage door with a brick external wall with a window would not significantly change the visual appearance of the dwelling, as the proposed wall is to be constructed from similar materials which would match that of the original dwelling. It should also be noted that such work is unlikely to require planning permission in this instance.

It is therefore considered that in terms of visual amenity, the proposal would comply with Policy LP24 of the Kirklees Local Plan, Principles 1 and 2 of the Council’s adopted House Extensions and Alterations SPD and Government

guidance contained within Chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Sections 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.

The House Extensions and Alterations SPD sets out a number of design principles which will need to be considered when assessing a proposal’s impact on residential amenity, which state:

- Principle 3 – that: “extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours.”
- Principle 4 – that: “extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light, and outlook.”
- Principle 5 – that: “extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property.”
- Principle 6 – that: “extensions and alterations should not unduly reduce the outlook from a neighbouring property.”
- Principle 7 – that: “extensions and alterations should ensure an appropriately sized and useable area of private outdoor space is retained. Normally at least half the garden area should be retained as part of the proposals.”

Due to the majority of proposed development being internal, the impacts of the proposal on neighbouring properties would be limited. It is not proposed to extend the dwelling so there would be no impact upon neighbouring properties in terms of loss of light, loss of outlook or the creation of an overbearing effect.

The proposed window on the proposed front brick wall would not look directly into adjacent properties, or any other dwelling within the local area. Furthermore, it would be on an elevation with existing windows. It is therefore considered that it would not cause harm in terms of loss of privacy or overlooking.

Given there is no extension, there would be no loss of garden space in compliance with Principle 7 of the Kirklees Housebuilders and Extensions Alterations SPD.

It is also pertinent to note that the proposal is likely to constitute permitted development.

The proposal is therefore considered to prevent detrimental harm in relation to the impact upon residential amenity.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan and Policies within Chapter 9 of the NPPF 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, with Principle 16 going on to say that proposals should maintain appropriate storage arrangements for waste.

The proposal would result in the loss of the garage space, with two external spaces being retained to the front of the site. It appears that the garage is capable of accommodating a vehicle being at least 6m x 3m in area (with reference to the Highways Design Guide) and this would therefore result in the loss of a parking space. From viewing approved plans for the 2017 extension which has been developed, it appears the dwelling accommodates 5 bedrooms. As a result of the proposal, 2 on site spaces would fall short of the number of parking spaces recommended on site for 4+ bedroom dwellings (which is 3 spaces). The above being said, such a conversion is unlikely to require planning permission. In addition, the 2017 permission approved the ground floor of the extension (where the garage currently is) as a play room so 2 external parking spaces for a 5 bedroom dwelling appears to have been accepted in the past. Given this, the loss of the garage is considered acceptable on highways safety grounds.

Waste storage and collection arrangements are also likely to remain as is, complying with Principle 16 of the SPD

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 of the Kirklees Local Plan, Principles 15 and 16 of the House Extensions and Alterations SPD and the guidance contained within the Chapter 9 of the National Planning Policy Framework.

5 – Other matters

Climate Change

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Principles 8-11 of the House Extensions and Alterations SPD also relate to combatting climate change and they state the following:

- Principle 8 (Energy Efficiency): Extensions and alterations should, where practicable, maximise energy efficiency.
- Principle 9 (Construction Materials): Extensions and alterations should seek to use innovative construction materials and techniques, including reclaimed and recycled materials where possible.
- Principle 10 (Renewable Energy): Extensions and alterations should consider the use of renewable energy.
- Principle 11 (Water Retention): Extensions and alterations should consider designing water retention into the proposals.

Given the small scale nature of the proposal, it is not considered necessary to require any measure to address climate change in this instance.

Biodiversity

Principle 12 of the 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."* Given the nature of the proposal, this being alteration of a garage to a habitable rooms, it is not considered reasonable to request biodiversity enhancements in this case.

6 – Representations:

None 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 proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2022/93351

Officer Recommendation: Conditionally Approve

Conditions

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 (as amended).

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications 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, LP30 and LP51 of the Kirklees Local Plan, Government guidance contained within the National Planning Policy Framework and Principles 1-17 of the Council's adopted Householder Extensions and Alterations Supplementary Planning Document.

3. The external walls of the garage conversion hereby approved shall in all respects match those used in the construction of the existing dwelling.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Block Plan at scale of 1:500 on A4 paper	-	-	12/10/2022
Existing Elevations and Floor Plans	Page 1	-	12/10/2022
Proposed Elevations and Floor Plans	Page 2	-	12/10/2022
Location Plan at a scale of 1:1250 on A4 paper	-	-	12/10/2022
Application form	-	-	12/10/2022

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 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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

Report Dated:

03/02/2023

Coal – Low