

Enquiries to: Laura Yeadon

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Date: 07-Jul-2023
Our Ref: 2023/91469

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)
(ENGLAND) ORDER 2015 (as amended), SCHEDULE 2, PART 3, PART MA
NOTIFICATION OF PROPOSED CHANGE OF USE CLASS MA – COMMERCIAL,
BUSINESS AND SERVICE USES TO DWELLINGHOUSES
APPLICATION NUMBER: 2023/91469
AT: 2, 4 & 6, Thornton Lodge Road, Thornton Lodge, Huddersfield, HD1 3JQ**

I refer to your submission of details relative to the proposed change of use and any building operations as described below which was received by the Local Planning Authority on 18-May-2023.

Prior approval of a proposed change of use of a building from commercial, business and service uses to dwellinghouses

The proposal is not acceptable to the Council, and notice is hereby given that the details submitted have been refused for the following reason(s);

Reason:

Article 3(9)A of the Town and Country Planning (General Permitted Development)(England) Order (as amended) precludes any grant of planning permission where the gross floor area of any new dwelling does not exceed 37 sq metres or does not meet nationally described space standards issued by the Department of Communities and Local Government on 27th March 2015. The requirement to meet the national space standards was introduced to prior approval applications on 6th April 2021.



No. 2 is proposed to be a one bedroom ground floor flat. The Technical Housing Standards document states that a one bedroom flat for one person (minimum assessed) on one storey should be at least 37 or 39 square metres dependant on whether the bathroom has a shower or a bath. In this instance the proposed internal accommodation proposed is approximately 48 square metres which may accord with the recommended space standards. However, the bedroom is shown to sleep two persons which requires 50 square metres of space thus contrary to space standards.

No. 4 is proposed to be a two bedroom ground floor flat. The Technical Housing Standards document states that a two bedroom flat for three persons over one storey (minimum assessed) should be at least 61 square metres and for four persons 70 square metres. In this instance the proposed internal accommodation proposed would be approximately 56 square metres and therefore falls short of the recommended space standards and therefore cannot benefit from a prior approval.

No. 6 is proposed to be a 2 no. bedroom property over two storeys. The Technical Housing Standards document states that a two bedroom property for three persons over two storeys (minimum assessed) should be at least 70 square metres. In this instance the proposed internal accommodation would be approximately 71 square metres. Whilst this would meet the standards set for 3 persons, it falls short acceptable space for 4 persons which would require a minimum of 79 square metres. Provided that a maximum of three persons reside at the property, the proposal would accord with the recommended space standards

The external alterations as shown on the proposed plan for no.2 & no.4 do not benefit from any planning permission and the provision set out in Class MA, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order (as amended) do not provide for such permission either. Consequently the assessment of natural light is taken under current fenestration arrangements for each proposed dwellinghouse. Therefore all bedrooms in no. 2 & no.4 lack any natural light and are therefore contrary to paragraph MA.2 (2)(f) of Class MA.

Plans and specifications schedule:-

| Plan Type | Reference | Version | Date Received |
|--|-----------|---------|---------------------------|
| Location plan, plans elevations and view as existing | 2304 – 01 | | 25 th May 2023 |
| Plans, elevations and view as proposed | 2304 – 02 | | 25 th May 2023 |

If the applicant is aggrieved by the decision of the Local Planning Authority to refuse details of the proposed development, he/she may appeal to the Secretary of State for the Environment in accordance with Section 78 of the Town and Country Planning Act 1990 within six months of the date of issue of this notice. Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at [The Planning Inspectorates Website](#) . Further information on the Planning Appeal process can be found online at [the Planning Inspectorates website](#).

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that approval of details could not have been granted by the Local Planning Authority having regard to the statutory requirements to the provisions of the development order, and to any directions given under the order.

Further correspondence regarding this application should bear the reference on this letter.

Customer Feedback

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to email your comments to dc.admin@kirklees.gov.uk so that we can work on continually improving our customer service. Thank you.

Yours faithfully

Mathias Franklin
Head of Planning and Development