

**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:	2023/62/91612/W
Site Address:	154, Lockwood Road, Lockwood, Huddersfield, HD1 3QX
Description:	Change of use and alterations to convert dwelling to 5 bed HMO and erection of front dormer extension
Recommending Officer:	Tom Hunt

DECISION - REFUSED

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.

Teresa Harlow

AUTHORISED OFFICER

Date: «Current_Date»

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Officer Report

2023/91612 – 154, Lockwood Road, Lockwood, Huddersfield, HD1 3QX

Site Description

The application site is a two-storey, mid terraced, residential, back to back property on a Classified A Road (A616). It is a traditional stone built property with slate roof. It is a two bedroom property. There is a marginal front yard within which there is a lightwell serving the cellar. This is bounded by a low stone wall with metal railing and access is via external steps. There are no other amenity spaces or associated car parking.

The wider locality consists of terraced rows of residential back to back properties to the west of the road, and industrial/commercial properties mostly to the east side of the road. Within the row of houses, in which the property is situated, there is a large, white boarded, front dormer to No. 146 and a smaller dormer to No. 130 (both flat roofed).

It is not within a Conservation Area, not a Listed Building or affecting the setting of, and not adjacent to a PROW.

Description of Proposal

Change of use and alterations to convert dwelling to 5 bed HMO and erection of front dormer extension.

It is proposed to erect a flat roofed, front dormer extension to the dwellinghouse.

This would be 7m width, 1.95m height and project 3.3m from the roof plane. This would appear set down from the ridge by 0.3m, set back from the eaves by 1.6m and would not be set in from the flank boundaries.

Materials proposed are uPVC horizontal cladding to the face and cheeks with EDPM roofing membrane.

It would have two window openings to the front only.

It is also proposed to have a change of use from Class C3 dwellinghouse to a small HMO, which would be a 5-bed property. Rooms are set out as below, all bedrooms have a window and none of the bathrooms have windows:

- Cellar – kitchen/dining and storeroom (25sq.m.). Daylit through an enlarged lightwell
- Ground Floor – Bedroom 1 (11.6sq.m – double bedroom), Hall and Bathroom
- First Floor – Bedroom 2 (11sq.m.), Bedroom 3 (6.7sq.m. and minimum 1.8m width), Landing and Bathroom

- Attic (proposed dormer level) – Bedroom '3' (10sq.m.), Bedroom 4 (9 sq.m and minimum 1.5m width) and Landing

It would have an existing lightwell made larger to be 1m projection from the cellar window and 2m width and 1.3m depth. The original lightwell size was 0.3m projection x 1.3m width and 1.3m depth.

History of negotiations/amendments received

The case officer considered the application on review and sought no amendments as they would not meet the accommodation required.

Relevant Planning History

No previous planning applications for this site and no pre-application advice had been sought to take into consideration Officer advice for an improved scheme.

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: 28/07/2023

No representations have been received.

Consultation Responses

No technical consultees required.

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 site is unallocated on the Kirklees Local Plan. It is in Flood Zone 1 as identified on the Flood Map for Planning Service online resource. It is in a low coal area risk for development and a Bat alert area. it is on a Classified Road known as the A616, it is close to Lockwood Rail Station and approximately 278m from the nearest Local Centre 'Lockwood'.

Kirklees Local Plan (LP):

- **LP 1 – Presumption in favour of sustainable development**
- **LP 2 – Place shaping**
- **LP 11 – Housing Mix and Affordable Housing**
- **LP 21 – Highways and access**

- **LP 22 – Parking**
- **LP 24 – Design**
- **LP 27 – Flood risk**
- **LP 30 – Biodiversity & Geodiversity**

Supplementary Planning Guidance

- Highways Design Guide SPD
- Waste Management Design Guide for New Developments (Oct 2020, v.5)

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 5 – Delivering a sufficient supply of homes
- 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

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters (e.g. bats)
- 6) Representations
- 7) Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 confirms that the Council will take a positive and proactive approach when considering development proposals to reflect the presumption in favour of sustainable development embedded in the National Planning Policy Framework.

The Local Plan contains no specific policies on the subdivision of existing dwelling houses to create smaller residential units. Chapter 11 of the NPPF however states that planning decisions should promote the development of under-utilised land and buildings, but in doing so should create developments that function well and add to the quality of the area and maintaining a high standard of amenity for future occupants as set out in Chapter 12. In addition,

Policies within LP2, and LP24 of the Local Plan will guide the proposal's impact on achieving good design and place shaping. The site is within the Huddersfield Sub-Area. The listed qualities will be considered where relevant later in this assessment.

In this case, it could potentially be acceptable, subject to the assessment of impacts on visual and residential amenity and highway safety.

2 – Impact on visual amenity:

Visually the proposal would alter the back to back residential property with the addition of a front dormer and an expanded lightwell. Taking into consideration LP24a) and c), extensions (categorising the application within the existing use as a dwellinghouse in a row of principally dwellinghouses) should respect the character of the townscape and be subservient to the host with scale, materials and details.

The front dormer would remove a chimney and would take up the majority of the front roof elevation with a minimal set down from the roof ridge and no set back from the flank roof boundaries to form a prominent and domineering extension to the host. While it would be set back from the eaves of the property, this would not be sufficient to form a subservient extension to the host and would not comply with LP24a or c. The materials proposed would be low quality uPVC horizontal cladding, this could be conditioned to have materials to closely match the slate tile roof colour if this was required in order to facilitate the proposal in terms of visual amenity. Considering the fenestration, one window would not be aligned with the existing front elevation fenestration of the host and would appear inharmonious to the host accordingly.

The loss of the chimney would be a small scale alteration to the roof and could be considered acceptable, and probably permitted development under Class G.

Considering the wider locality, the roofscape is typically uninterrupted by dormers excepting two aforementioned dormers. No. 154 would be separated from both by intervening properties with no desirable grouping to mitigate against its protrusion in the roofscape adding to the impression of undesirable visual clutter in a prominent and high traffic location. In addition, the dormer design would not be aligned with both examples given forming an unsympathetic addition to the roofline of the terraced residential properties.

The enlarged lightwell would be a relatively minor visual alteration to the existing example of the host and would have its alteration restricted to below ground. Officers would consider this acceptable in terms of visual amenity.

The proposed front dormer extension, by virtue of its scale, massing, design and relationship with the host dwelling in a prominent location, would result in a disproportionate and incongruous addition to the original dwelling and would have a design that form an inharmonious addition within the roofscape of its locality. The development is contrary to Policy LP2 and LP24a and c) of the Kirklees Local Plan and Policy contained within Chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Section B and C of Policy LP24 of the Kirklees Local Plan 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 2021 states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

The proposed extensions and alterations are assessed upon whether they would have a detrimental effect on residential amenity, adjoining dwellings or any occupier of adjacent land by way of overshadowing, overbearing or overlooking and also in terms of its design, size and visual amenities.

The proposed development would add bulk and massing to the host's roof scape replacing an existing rooflight and removing a chimney. This would be adjacent to an existing front dormer extension of No. 152 which is to the rear of the host which would suffer no ill effects from the proposal in terms of residential amenity.

The only rooflights that it would be adjacent to are No. 156 which is to the southwest of the proposed siting of the front dormer. As such, the only impact of the dormer addition could be to No. 156, this would be positioned to the northeast of the rooflights ensuring that it would not give rise to undue overshadowing to the adjacent rooflight. It would be positioned approximately 1.7m from the rooflight which would limit its potential loss of outlook sufficiently enough to be acceptable. There would be no windows to overlook any flank neighbours. The use will also still be retained as residential and therefore no further noise concerns have been raised. The proposal would not face out onto residential properties.

Future Occupiers Living Conditions

Consideration must also be given to the amenity of future residents of the proposed dwelling. It is acknowledged that the use of the property as a house in multiple occupancy by 6 unrelated adults would be possible without planning permission if the dormer extension was excluded. However, the proposal remains to be assessed under the relevant policies relating to achieving high standards for residential amenity for those occupants, this is sought in the application. One of the bedrooms can be deemed for double occupancy. The intention of the applicant regarding bedroom 2 – if this is single or double occupancy – is not clear.

While Nationally Described Space Standards is not an adopted Policy of the Council, it is a nationally recognised benchmark for achieving adequate levels of daylight and space for future residential occupancy. The internal layout would be changed from its present arrangement of living quarters to ground floor and first floor supporting two bedrooms to a five-bedroom HMO with the only shared habitable room in the cellar. It would appear to be at the

minimum, a HMO serving a 5 bedroom 6 person household with ~107.6sq.m. of internal space provided. The NDSS minimum floor area is 116sq.m so this proposed intensification of use would not be suitable for the property unless bedrooms were reduced to serve a 4 bedroom 5 person residential dwelling.

All bedroom rooms would have a window for daylighting and adequate levels of outlook and would appear to have a suitable floor to ceiling height for its floorspace. There are significant concerns raised over the provision of storage space and space standards for the HMO with 1.85sq.m available for storage in the cellar; the minimum storage space for a three storey 5b6p residential property would require 3.5sq.m of storage to be supplied and Officers would expect this to be set out over two or three floors for accessibility and suitability for its purpose and use.

Bedrooms, in the main, meet NDSS excepting for two identified as Bedroom 3 which has an under supply of 0.8sq.m by area and is less than the minimum expected width for good living conditions; and Bedroom 4 in the dormer with a substantially substandard 1.5m width when compared to the expected minimum of 2.15m width. While not all the bedrooms meet NDSS, this could be acceptable subject to further reflection of relevant matters.

The only shared habitable room would be the kitchen/dining room in the cellar and this would have a third of its window area above highway ground level. Officers have significant concerns over the impact of the development on achieving high standards of amenity for future occupiers, in particular outlook, natural light and overbearing. The lightwell would be enlarged to provide more potential day lighting however the boundary wall and its iron railings would have some visual impact on outlook and overbearing adding to a sense of oppressive, visual enclosure for the occupiers. No sections were provided to demonstrate the expected field of outlook and natural light however given the extremely limited front 'amenity' area and closeness to the highway to the window and depth of the lightwell, this would not overcome Officers concerns in this regard.

The orientation of the cellar window is to the southeast and it is within a back-to-back property. Officers are concerned that this would offer a poor standard of daylighting to the habitable room with most of its day lighting at inadequate levels in the afternoon/evening to offer a good standard of amenity.

Whilst the property is constrained by its limited floorspace and what it can offer, Officers cannot support a dwellinghouse with such an intensified bedroom usage with such a poor standard of residential amenity regarding outlook and daylighting to the shared habitable room within the cellar. The proposal would fail to offer adequate storage space or any outdoor amenity space to relieve the poor standard of amenity.

When considering the unacceptable impacts on residential amenity for the future occupants of No. 154 in relation to poor outlook, overbearing and adequate daylight levels from the shared habitable room, the proposal is contrary to Policy LP24b) of the Kirklees Local Plan, national Government

guidance contained within Chapter 12 of the NPPF and Nationally Described Space Standards.

4 – Impact on highway safety:

Turning to highway safety, Policies LP21 and 22 of the Local Plan, and the Highways Design Guide SPD have been considered.

The proposal would not offer any off-street parking spaces for the intensification of use. This is balanced by its proximity to local services such as Lockwood Local Centre, frequent bus links and rail links at Lockwood Rail Station supporting car free transport. Given its proximity to services, subject to a condition to provide adequate cycle storage within the property for the use of occupants and to comply with paragraph 5.4 of the SPD, Officers could consider this to be a sustainable location whereby future occupants may be able to avoid car use and be compliant with LP21 and LP22 of the Kirklees Local Plan and the Highways Design Guide SPD .

5 – Other matters:

Climate Change

When determining planning applications the Council will use the relevant Local Plan policies, NPPF and guidance documents/SPDs to embed the climate change agenda and to achieve 'net zero' carbon emissions by 2038. A Climate Change Statement was submitted with local suppliers and adherence to building regulations cited in support of achieving low carbon emissions. Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development. Given the improved Building Regulations setting out high requirements for insulation and energy efficiency, the proposal would be of benefit to the original building's energy efficiency, insulating its building envelope and would contribute positively towards carbon reduction.

Flood Risk

There was a Flood Risk Assessment submitted with the proposal setting out that the property is within Flood Zone 3. The EA Flood Map for Planning online resource identified that the proposed site was in Flood Zone 1 which would have low probability for flood risk. It did identify that the dormer extension would be above ground which would have no impact to the future occupants should this area be flooded. It identified that the cellar would be below ground which would have a higher risk from flooding and summarised cautionary measures to be taken with cellar services able to be isolated from the house should this be required. It would fit a new window which would prevent water access and have internal walls finished with a moisture resistant plaster. If the proposal was in a high flood probability zone, then Officers would prefer to have further additional information and details of flood resilience measures including the submission of an evacuation plan to be communicated to residents. Given the low flood risk area designation, this would not be required in order to comply with LP27 of the Kirklees Local Plan.

Biodiversity

Whilst considering Biodiversity for the site within an identified bat alert layer, LP 30 of the Kirklees Local Plan is relevant.

Whilst it is acknowledged that the site is located within an identified area for a protected species, the proposals are relatively modest to a site on a busy and noisy classified road and therefore considered unlikely that the proposals would have an impact on the bat population. An informative has been provided however, making the applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.

6 – Representations:

No representations had been received.

7 – Conclusion:

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF taken as a whole.

Recommendation

Refuse

Decision Authorisation - Delegated Powers

Application Number: 2023/91612

Officer Recommendation: Refuse

Reasons

1. The proposed development, by reason of the limited amount of useable storage space to the whole property and its limited internal floorspace provided within Bedroom 3 and 4, would provide a poor standard of amenity to future occupiers. The proposed use of the basement window for a kitchen/dining room mostly below ground level would provide a poor level of outlook and be of an oppressive nature with low daylighting for the shared amenity of future occupiers. Therefore, the development would be contrary to the aims of paragraph 130(f) of the National Planning Policy Framework, the Policy LP24(b) of the Kirklees Local Plan.

2. The proposed front 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. 154 Lockwood Road. The proposed dormer would not appear in keeping with the largely unaltered roofscape of terraced properties in the area. The development would therefore cause detrimental harm to the visual amenities and overall character of the area. This is contrary to Policies LP1, LP2 and LP24(a and c) of the Kirklees Local Plan, and Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan, Existing and Proposed Floor, Roof and Elevation Plans.	Drawing No. 2315-01.	Unamended	12/06/2023
Flood Risk Assessment	Undated	Original	16/06/2023
Climate Change Statement	-	Original	13/06/2023

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. The case officer considered the application on review and sought no amendments as they would not meet the accommodation required.

Report Dated: 31/07/2023

