

**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:	2023/62/92608/W
Site Address:	Carr Lea House, 56, Rawthorpe Lane, Dalton, Huddersfield, HD5 9NU
Description:	Change of use from one dwelling to two dwellings
Recommending Officer:	William Simcock

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 16 January 2024

Officer Report – 2023/92608

Carr Lea House, 56, Rawthorpe Lane, Dalton, Huddersfield

Site Description

Carr Lea House is a stone-built dwelling with a blue slate roof. It was originally built as a detached house but is linked to no. 58 to the north by a small flat-roofed extension to the latter property. It is on the south-eastern side of the highway with its main elevation facing north-west. It has a large concrete forecourt used for parking. Within the site there is a passageway for vehicles leading to a much larger hard-surfaced area at the rear (which is not available for use by the applicant). The surrounding area is mainly residential.

Description of Proposal

The proposal is for change of use from one dwelling to two dwellings.

These would comprise:

- A single-storey, single-bedroom dwelling occupying roughly half the ground floor, area 50sqm;
- A two-storey dwelling comprising a living room at ground floor rear, four bedrooms and a dining kitchen above, of approximately 104sqm floorspace.

One ground floor room would be retained as storage and would not be allocated to either of the two dwellings.

A new entrance door would be installed in the front elevation to allow access to the storage room. The existing front and side doors would become the entrance doors to the two new dwellings.

According to the application form, five parking spaces would be provided within the site (unchanged from existing situation). Subsequently this has been clarified as four, which are shown on the plans.

History of negotiations/amendments received

None.

Relevant Planning History

2012/91343 - Change of use from day nursery to student accommodation at 56 Rawthorpe Lane, with off street parking, change of use from residential to day nursery at 58 Rawthorpe Lane and external alterations. Granted.

Representations

Final publicity date expires: 28-Nov-2023 (Publicity by neighbour letter only thereby fulfilling the requirements of the Development Management Procedure Order).

No representations were received.

Consultation Responses

The following teams and services were consulted:

- KC Highways Development Management – No objection.
- Health & Safety Executive – No objection.

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 within land that is without designation on the Kirklees Local Plan proposals map.

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 20** – Sustainable transport
- **LP 21** – Highways and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity and geodiversity
- **LP 35** – Historic environment
- **LP 52** – Protection and improvement of environmental 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 December 2023, 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 11 – Making efficient use of land
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity (including any heritage considerations)
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters – e.g. trees/ecology (e.g. bats)
- 5) Representations
- 6) Conclusion

1 – Principle of development: The site occupies land that is without designation within the Local Plan Proposals Map. As such there is no presumption against residential development.

The Local Plan contains no specific policies on the subdivision of existing dwelling houses. 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 as set out in Chapter 12.

It will further be assessed having regards to the aims of LP24(a) & (b), that development should conserve the character of the townscape and ensure that a good standard of amenity is maintained for existing and future occupiers, the need to promote sustainable transport, and ensuring that development does not adversely affect the safe or convenient use of the highway as set out in Policies LP21-22.

2 – Impact on visual amenity: The proposal does not involve any new build. The only alteration is the formation of a new doorway and the fitting of a door, which is to have the same design as the existing one. The proposed development is therefore considered to be neutral in its impact on visual amenity. It would therefore accord with the aims of LP24(a).

3 – Impact on residential amenity: Only limited weight can be placed on the Housebuilder Design Guide since the proposal is for change of use, not new build. The following Principles may however provide useful guidelines when assessing the impact on future and existing residents:

Principle 6 – Residential layouts must ensure privacy and avoid negative impacts on light, having regard to the following standards:

- 21 metres between facing windows of habitable rooms at the backs of dwellings;
- 12 metres between windows of habitable rooms that face onto windows of a non-habitable room;
- 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land; and
- for a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metres distance from the side wall of the new dwelling to a shared boundary.

Principle 16 – all new dwellings to have sufficient floor space to meet basic lifestyle needs, having regard to the Nationally Described Space Standards. The Council recognises the nationally described space standards as best practice to ensure that new homes are able to meet basic lifestyle needs and provide high standards of amenity for future occupiers. These are not currently adopted in the Kirklees Local Plan. The council will seek to adopt such a policy in the future in accordance with evidence and in the meantime will seek to ensure high quality living environments through the application of Local Plan policy LP24 (Design).

Principle 17 – All new houses should have adequate access to private outdoor amenity space that is functional and proportionate to the size of the dwelling and the character and context of the site.

Floor space for each dwelling would be in excess of the minimum required by the NDSS. It is considered that all habitable room windows in the two-storey dwelling would have an adequate outlook and receive acceptable amounts of natural light.

The bedroom window in the ground floor flat would look out on to the parking spaces allocated to the development. The living room windows would also look out on to an area that is used for the parking of vehicles, but this will be principally for pick-up and drop-off and not long-stay parking, and was not heavily used at the time when the case officer visited the site. It is therefore considered that the rear outlook for occupants of this flat would be acceptable.

None of the windows would overlook neighbouring residential properties at close quarters. The proposal does not involve the formation of any new windows.

The proposed dwellings would not have access to private amenity space. The land to the rear is annotated as “communal garden” but, in reality, most of this is hard-surfaced land used for the parking and turning of vehicles; there is a small retained area of garden at the eastern end of the site but there is no clear means of access to it. The provision of useable private amenity space is

however not treated as being mandatory for flats, and it would be no worse than the present situation, having regard to the likely number of occupants.

In conclusion it is considered that the proposal would ensure a satisfactory standard of amenity for future residents, whilst not detracting from those of other properties, in accordance with the aims of LP24(b) and paragraph 135(a&f) of the NPPF.

4 – Impact on highway safety: The development takes access to a non-classified road. Means of access to the highway would be unchanged. The access and local highway network are considered to be of a sufficient standard to take on additional traffic associated with the development. The latest plan shows that four parallel parking spaces would be provided along the frontage. This could be allocated as one for the single-bedroom flat, three for the two-storey dwelling, thereby providing parking at the rate recommended in the Highway Design Guide.

At most, the subdivision of the existing property to create two smaller ones is liable to lead to a very minor intensification of the access, and there are no known highway safety problems associated with it.

The plans do not indicate that any secure cycle storage is to be provided within the site, although it would be possible to place them in the designated store, subject to the landlord's agreement. Since the proposal represents a change from one form of residential use to another, it is considered that it would be disproportionate to require the developer to demonstrate the provision of new cycle storage arrangements or control it by condition.

In conclusion, it is considered that the development would support the aims of sustainable transport and would not give rise to any material reduction in safety or convenience for highway users, and would accord with the aims of LP20-22 and paragraph 135(f) of the NPPF.

4A Refuse collection: The plans do not explicitly set out an area for the storage and collection of wastes. There is however a rectangle marked in red on the site plan which could fulfil this function. Since the proposal is not likely to result in a significant increase in the amount of waste generated, it is considered that it can be determined without further details being supplied and that it would be in accordance with the aims of Policy LP24(d)(vi).

5 – Other matters:

Climate change:

The submitted Climate Change Statement proposes:

- Energy efficient lighting;
- Energy efficient gas boiler;

- Energy efficient washing machines;
- Low flush or dual flush toilets;
- Eco shower heads.

Since the development involves the reuse of an existing building with no new build, and the location is considered to be sustainable, the developer will not be required to incorporate further measures within the building to reduce carbon emissions associated with the development.

Electric vehicle charging points are normally sought in new development at the rate of one for each allocated space, one for every ten unallocated spaces. Since the development involves the creation of a new dwelling through subdivision, it is considered it would be reasonable to secure the installation of a single electric vehicle charging point as advised by LP24(d)(v), by means of a prescriptive condition.

Drainage

The development does not propose the formation of any new hard-surfaced areas. It is therefore considered to have no additional implications for drainage.

Ecology

The site is not within an area designated for biodiversity purposes. It is considered that it would not be reasonable or proportionate to seek ecological enhancement in this instance, notwithstanding the wording of Policy LP30, since the proposal involves no new build.

Health and safety – hazardous installations

The site lies within the outer zone of a hazardous installation (the Syngenta site) but the Health & Safety Executive response to consultation confirms that this is not a planning concern in this instance.

6 – Representations: No representations were made.

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
permission**

Conditional full

Decision Authorisation - Delegated Powers

Application Number: 2023/92608

Officer Recommendation: Conditional full permission

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, in the interests of visual and residential amenity and highway safety and to accord Policies LP21, LP22 and LP24 of the Kirklees Local Plan and Policies within the National Planning Policy Framework.

3. The areas to be used for the parking of vehicles associated with the development as shown on the approved site plan shall be retained as such and free of any obstruction to that use.

Reason: To ensure a satisfactory layout in the interests of highway safety and to accord with the aims of Policies LP21-22 of the Kirklees Local Plan.

4. A minimum of one electric vehicle recharging point shall be installed within the proposed parking area serving the development before either of the two new dwellings are first brought into use. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicle charging point(s) so installed shall thereafter be retained.

Reason: In accordance with the aims of Policy 24(d)(v) of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework, so as to encourage modes of transport with low impact on carbon emissions.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			04-Sep-2023
Design & access statement			04-Sep-2023
Climate change statement			20-Sep-2023
Location plan			21-Sep-2023
Proposed and existing elevations	PAD-315-395		04-Sep-2023

Plan Type	Reference	Version	Date Received
Proposed and existing floor plans	PAD-315-394		12-Oct-2023
Proposed site plan	PAD-315-450		10-Jan-2024

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 undertook requested amended plans to clarify parking provision; these were submitted and informed the final assessment.

Report Dated: 12-Jan-2024