

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:	2023/62/93019/W
Site Address:	9 & 11, Wentworth Street, Huddersfield, HD1 5PX
Description:	Partial demolition of boundary wall, erection of stone wall and timber fencing and enlargement of existing car parking area (within the curtilages of a Listed Building) (within a Conservation Area)
Recommending Officer:	Lucy Taylor

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.

John Holmes

AUTHORISED OFFICER

Date: 7th March 2024

Officer Report.

Reference: 2023/93019

Location: 9 & 11, Wentworth Street, Huddersfield, HD1 5PX

Proposal: Partial demolition of boundary wall, erection of stone wall and timber fencing and enlargement of car parking area (within the curtilage of a Listed Building) (within a Conservation Area)

Site Description.

9 & 11 Wentworth Street are two storey terrace properties. The external walls of the properties are faced in stone with tiled gable roofs above. Within the wider curtilage, the properties benefit from private amenity space to their rear elevations. On-site parking space is available to the rear of the properties, accessed via the highway of Back Wentworth Street.

A strong sense of similarity is established within the streetscene of Wentworth Street, with all of the properties terrace in their construction style, with tiled gable roofing forms and faced in matching exterior materials.

The properties are Grade II Listed Buildings and are Allocated within the Greenhead Park/New North Road Conservation Area.

Description of Proposal.

Planning permission is sought for the partial demolition of boundary wall, erection of stone wall and timber fencing and enlargement of car parking area.

One of the walls around the existing car parking bay to the rear of the properties is to be removed to facilitate the parking of two vehicles. The other remaining walls are to be repaired as necessary and the first 1 metre of the western boundary wall of the car parking bay is to be reduced to a height of 90cm for vehicle visibility.

The parking area is to be surfaced in a permeable surface and is to facilitate parking for five parking spaces.

The existing stone wall along the southern boundary is to be extended (to match existing) by a length of approximately 11.3 metres. The first 1 metre of the wall will be reduced in height to 90cm for vehicle visibility.

Along the back of the proposed car parking area, a 1.5-metre-high timber fence is proposed. The fence would be dark brown in colour to match the appearance of existing fencing at the site.

History of Negotiations.

Following consultation responses from KC Highways Development Management and KC Conservation and Design, amended plans were submitted to demonstrate the following:

- The first 1 metre of the new wall and the western boundary wall of the car parking bay are to be reduced to a height of 90cm for vehicle visibility.
- Boundary of car park with neighbour No. 7 Wentworth Street a stone wall to match the existing stone wall along this boundary.
- Reduced height of fencing and annotations included regarding the colour of the fencing.

The determination of this application is based on the latest plan submitted 1st March 2024, Dwg No. PP3/02D.

As a result of the submitted amendments, the case officer changed the description of proposal accordingly.

- Original description of proposal: Partial demolition of boundary wall, erection of 1.8 timber fencing and enlargement of existing car parking area.
- Updated description of proposal: Partial demolition of boundary wall, erection of stone wall and timber fencing and enlargement of existing car parking area.

Although amendments were sought and submitted for this planning application, officers did not consider it necessary to re-advertise the scheme as a result of the amendments made. This was because the description and principle of development remained broadly similar to that originally proposed, seeking permission for boundary treatments and car parking.

Relevant Planning History.

- 99/90863 – Listed Building Consent for alterations to kitchen/dining room and outhouse. *Consent Granted.*
- 99/93142 – (1-25 Wentworth Street) – Listed Building Consent for rebuilding stacks, re-roofing, new doors, windows, and general refurbishment. *Consent Granted.*
- 2007/93055 – Listed Building Consent for erection of replacement porch. *Consent Granted.*
- 2007/93190 – Erection of porch extension. *Granted Conditional Full Permission.*

- 2020/90713 – Listed Building Consent for interior alterations. *Consent Granted.*
- 2020/91720 – Change of use of C3 (dwelling) to C2 (residential unit) and alterations. *Granted Conditional Full Permission.*
- 2020/91721 – Listed Building Consent for alterations to convert C3 (dwelling) to C2 (residential unit). *Pending determination.*
- 2022/91905 – Listed Building Consent for new roof to part single storey extension, installation of WC and associated works. *Consent Granted.*
- 2022/93821 – Change of use from C3 (Dwelling House) to C2 (Residential Unit) and internal modifications. *Granted Conditional Full Permission.*
- 2022/93822 – Listed Building Consent for change of use from C3 (Dwelling House) to C2 (Residential Unit) and internal modifications. *Consent Granted.*
- 2023/93020 – Listed Building Consent for partial demolition of boundary wall, erection of stone wall and timber fencing and enlargement of car parking area. *Pending determination.*

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, a site notice and within the newspaper.

Final publicity date expired: 1 December 2023.

No representations were received.

Consultation Responses.

KC Highways Development Management (formal & informal) – An intensification in use, with 7 spaces to replace 2 existing spaces. However, low speed lightly trafficked back road. As a compromise, recommend the first 1 metre be lowered to a height not exceeding 1 metre to both sides so vehicles are not exiting completely blind.

KC Conservation and Design (formal & informal) – Do not raise concerns to the overall principal of the works and consider the loss of the small section of wall to be on balance acceptable. Wish to see the retention of stone wall along boundary of car park with neighbour No. 7 Wentworth Street.

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 Grade II Listed and is Allocated within the Greenhead Park/New North Road Conservation Area.

In addition, the site is located within an area with a known presence of bats and within an area identified by the Coal Authority as being at high risk of ground movement as a result of former mining activity.

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design
- LP30 – Biodiversity & Geodiversity
- LP35 – Historic Environment
- LP51 – Protection and Improvement of Local Air Quality

Supplementary Planning Documents:

Highways 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 December 2023, together with Circulars, Parliamentary 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 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Assessment.

The following matters are considered in the assessment below: -

- 1) Principle of Development
- 2) Impact on Visual Amenity and the Historic Environment

- 3) Impact on Residential Amenity
- 4) Impact on Highway Safety
- 5) Other Matters
- 6) Conclusion

1) Principle of Development

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 on to 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 LP1 of the Kirklees Local Plan (KLP) 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 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 in this application could be acceptable, subject to the assessment of impacts on the historic environment, visual and residential amenity, as well as highway safety and any other impacts that may arise. These will be discussed below.

1) Impact on Visual Amenity and the Historic Environment

Visual Amenity:

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places), which states: *“The creation of high-quality 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.”*

Paragraph 135 of the NPPF is of relevance, in particular the following parts:-
- ‘b) *Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping*’

- 'c) *Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change*

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.

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...*

The proposal is with regard to the parking area and garden of No.'s 9 and 11 Wentworth Street only, with no alterations proposed to either dwellinghouse. The proposal seeks permission for the extension of the existing parking area, with alterations proposed to existing forms of boundary treatment and new boundary walls and fences proposed to be erected.

The erection of the proposed stone wall and fence are both considered to be acceptable from a visual amenity perspective, in keeping with existing forms of boundary treatment at the properties of No. 9 and No. 11 themselves, as well as other neighbouring properties within the immediate vicinity. This conclusion is on the basis the fence is of a dark brown colour finish and the wall is of materials to match the host property.

The application form sets out that the extended parking area is to be surfaced in either gravel or permeable asphalt. The extended parking area is considered to be acceptable in principle with the use to the rear already established and the materials proposed to be laid permeable in nature.

It is important to note that the works would not be visible from the highway of Wentworth Street which fronts the site and are located to the rear of the property, visible only from the lightly trafficked highway of Back Wentworth Street.

Therefore, whilst it has been acknowledged that the proposal presents a more intensive use of the existing parking area, it is not considered to that this intensification would be significant enough to detriment the character of the area, with the forms of boundary treatment and surfacing proposed considered acceptable from a visual amenity perspective.

Therefore, the proposal is considered to appropriately comply with LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Historic Environment:

Section 66 of the Planning (Listed Buildings & Conservations Areas) Act (1990) states that, for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Due to the site's location within the Conservation Area, Paragraph 195 of the NPPF is relevant, which requires that the Local Planning Authority identify and assess the particular significance of any heritage assets affected and take this into account when considering the impact of the proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Section 66 of the Planning (Listed Building & Conservation Areas) Act (1990) is mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Policy LP35 of the Kirklees Local Plan states that: *“development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm.”*

The requirements of Section 72 & 66(1) of the Town and Country Planning (Listed Buildings & Conservation Areas) Act 1990 are also relevant.

Following the submission of amendments, to show the boundary of the car park with neighbour No. 7 Wentworth Street to be a stone wall to match the existing along this boundary of the site, it is considered that the scheme is acceptable with regards to its impacts upon the heritage significance of the site and surrounding area.

In addition, the height of the fence to the back of the parking area has been lowered to 1.5 metres and details provided of its design and colour, to match existing fencing at the application site. It is considered that, given the siting, height and matching appearance of this fence, it would be acceptable on the basis it is subject to condition requiring its colour finish is dark brown.

The southern boundary of the car park with neighbour No. 7 Wentworth Street is to be a stone wall. Upon any grant of permission a condition is recommended to be imposed to require this wall to be constructed from materials which match those used in the construction of the existing wall. The height of the new wall is also recommended to not exceed that of the existing wall on the southern boundary. On such a basis it is considered it would be unreasonable of the LPA to require submission of the specific materials in this case given the materials can be easily identified and tied in terms of their appearance.

Therefore, the proposal is considered to appropriately meet the requirements of section 16(2) of the Planning (Listed Building and Conservation Areas) Act, LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

2) Impact on Residential Amenity

Section B and C of 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 135 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 proposed works would see the retention of an appropriate extent of outdoor amenity space at both 9 & 11 Wentworth Street.

The proposed forms of boundary treatment would retain a minimum separation distance of approximately 10 metres from the nearest elevation of neighbouring properties and given their siting, would not impede negatively upon the rear gardens of either neighbouring property (7 & 13 Wentworth Street). Therefore, it is considered that the proposal would not result in any undue impacts of overbearing or overshadowing for the occupiers of neighbouring properties.

Given the principle of development sought, the proposal would not impact upon residential privacy.

For these reasons, the proposed development at 9 & 11 Wentworth Street 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 and LP24 of the Kirklees Local Plan.

3) Impact on Highway Safety

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 is also relevant.

The proposal is to create a larger parking area, including the existing parking area to the rear of No 9. The new area is to be levelled, surfaced with a permeable material, and bordered with new forms of boundary treatment, fencing and stone wall.

Whilst the width of Back Wentworth Street is a concern, given that this proposal provides additional off-street parking facilities, these proposals are on balance considered acceptable. In addition, it should be noted that Back Wentworth Street is a low speed lightly trafficked back road.

Upon formal consultation, KC Highways Development Management requested that the first 1 metre of the walls be lowered to a height not exceed 1 metre to both sides, so vehicles are not exiting completely blind. In response to this, the planning agent submitted amended plans to show the first 1 metre of the walls reduced in height to 90cm for vehicle visibility.

It is recommended any grant of permission requiring surfacing to be submitted (required in relation to the visual / heritage impact of the development) would require inclusion of reference to permeable surfacing to ensure there is no significant impact as a result of surface water discharge. This is recommended to be included as a condition of any grant of permission. In addition a condition requiring the lowering of the wall to ensure visibility splays can be achieved for vehicles is recommended for inclusion.

Subject to conditions, taking account of the submitted detail and response of consultees, the proposal is considered to be acceptable with regards to highway safety and the proposal is concluded to appropriately accord with Chapter 9 of the NPPF and LP21 and LP22 of the Kirklees Local Plan.

4) 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.

Given the principal of development sought, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

The proposed development would therefore comply with Chapter 14 of the NPPF and Policy LP51 of the Kirklees Local Plan.

Bats:

Chapter 15 of the National Planning Policy Framework is 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.

The application site lies within the bat alert layer on the Council's GIS system.

The proposal would not see any works to the properties of No. 9 or No. 11 Wentworth Street and therefore, the developments pose no alterations to roofing forms at the application site. 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 worker sought. This is to accord with the aims of Chapter 15 of the NPPF.

5) 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: 2023/93019
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.
1. 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 Policies LP1, LP2, LP21, LP22, LP24, LP30, LP35 & LP51 of the Kirklees Local Plan and policies within Chapters 2, 4, 12, 14, 15 & 16 of the National Planning Policy Framework.
2. The development shall not be brought into use until a scheme of surfacing materials has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include

details of how the surfacing would be permeable. The development shall not be brought into use until the works comprising the approved scheme have been completed. The approved scheme shall be thereafter retained.

Reason: In the interests of highway safety, visual amenity and the heritage significance of the site, in accordance with Policies LP2, LP21, LP24 and LP35 of the Kirklees Local Plan and policies within chapter 12 and 16 of the National Planning Policy Framework.

3. The development shall not be brought into use until the works to reduce the height of sections of the boundary walls, which are annotated to be reduced to a height of 0.9m for vehicle visibility, as shown on Dwg No. PP3/02D have been completed. The height of these parts of the boundary walls shall not exceed 0.9m and be retained at that height thereafter.

Reason: In the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

4. The 1.5-metre-high timber fence along the rear boundary of the car parking area shall be finished in a dark brown colour. The colour finish of the fence shall be thereafter retained whilst ever it is in situ.

Reason: In the interests of visual amenity and the heritage significance of the site, in accordance with Policies LP2, LP24 and LP35 of the Kirklees Local Plan and Chapter 12 and 16 of the National Planning Policy Framework.

5. The materials of construction to the new stone boundary wall and in any repair works to the existing boundary walls shall, in all respects, match those used in the construction of the existing stone wall to the southern boundary of the site. The development shall not be brought into use until the new stone boundary wall and repair works to the existing boundary walls have been completed in accordance with materials of construction approved by this condition. The materials of construction approved by this condition shall be retained thereafter.

Reason: In the interests of visual amenity and the heritage significance of the site, in accordance with Policies LP2, LP24 and LP35 of the Kirklees Local Plan and policies within Chapter 12 and 16 of the National Planning Policy Framework.

6. The height of proposed stone wall along the southern boundary shall be constructed at a height which does not exceed the height of the existing stone wall along this boundary which shall thereafter be retained.

Reason: In the interests of visual amenity and to accord with Policies LP2 & LP24 of the Kirklees Local Plan and Chapter 12 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 high risk coal area.

Plans and Specifications Schedule: -

Plan Type	Reference	Version	Date Received
Location Plan	PP3/01	-	11/10/23
Location Plan	-	-	11/10/23
Existing & Proposed Site Plans	PP3/02D	-	01.03.24
Additional Information	-	-	23.10.23
Heritage & Design & Access Statement	-	-	11.10.23

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. Amended plans were submitted in response to consultations from KC Highways Development Management and KC Conservation and Design.

Report Dated: 05.03.24

