

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:	2023/62/93211/W
Site Address:	7, Mullion Avenue, Honley, Holmfirth, HD9 6GN
Description:	Alterations to intergral garage to extend living accommodation and associated external alterations
Recommending Officer:	Joanna Rednall

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: 20-Dec-2023

The Site

7 Mullion Avenue is a two-storey detached dwelling constructed from coursed stone with White uPVC windows. The property hosts a paved driveway with a single garage, with the main amenity space being a modest lawned garden to the rear of the property. No.7 is located in a cul-de-sac where the properties share similar design and construction materials. Boundary treatments consist of stone walls and timber fencing.

The Proposal

The applicant is seeking planning permission for alterations to internal garage to extend living accommodation and associated external alterations.

The alterations to convert the garage to living accommodation would not increase the existing structure or footprint of the existing dwelling. The only external alterations would be the removal of the garage door to the front elevation and the installation of one window. The windows would be framed in UPVC to match the existing.

With the interior of the dwelling, the garage conversion would create an office and an additional downstairs WC.

History of Negotiations

No negotiations took place, and no amended plans were sought or submitted.

Planning History

There is no planning history for the site which is considered relevant to the current proposal.

Permitted Development rights for the conversion of integral garages were removed under condition (21) of the approval of reserved matters (ref: 94/61/93347/W3).

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 15th December 2023
Holme Valley Parish Council comments – support

Consultations

No statutory consultations were requested for this application.

Allocation & Policies

The site is located within the Holme Valley Neighbourhood Area but is otherwise unallocated in the adopted Kirklees Local Plan.

The site is designated as lying within a Coal Authority Referral Area.

Local guidance and policy is provided by the Kirklees Local Plan (adopted February 2019) as such the following policy, guidance and legislation is considered relevant to the determination of this application:-

Kirklees Local Plan

- LP1 Achieving Sustainable Development
- LP2 Place Shaping
- LP21 Highway Safety
- LP22 Parking Provision
- LP24 Design
- LP35 Historic Environment

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 5th September 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. Considered to be of relevance to the consideration of this application are policies within the following chapters:

-

- Chapter 2 – Achieving sustainable development
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change
- Chapter 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

House Extensions and Alterations SPD (June 2021)
Holme Valley Neighbourhood Development Plan –

Legislation

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

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise.

The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site falls within an area identified by the Coal Authority as being at low risk of ground movement as a result of former mining activity.

ASSESSMENT

The following matters are considered in the assessment below –

1. Principle of development
2. Impact upon the character and appearance of the area (including impact upon historic environment)
3. Impact upon residential amenity
4. Impact upon highway safety
5. Climate Change
6. Other matters – e.g. trees/ecology (e.g. bats)
7. Representations
8. Conclusion

1 – Principle of development:

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 stating 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 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 alterations to integral garage and associated external alterations is acceptable and shall be assessed against the applicable material planning considerations within the following report.

2 – Impact on character and appearance of the area

Policy LP24 (Design) of the Council’s adopted Local Plan sets out that proposals should promote good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers.

Paragraph 130 of the NPPF is also of relevance to the consideration of this application.

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. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

Policy 1 of the Holme Valley Neighbourhood Plan HVNP sets out that development proposal should demonstrate how they have been informed by the key characteristics of the Local Character Assessment (LCA), in this case Honley Village Centre (HVNDP-LCA7).

Policy 2 of the HVNP states that new development should protect and enhance local built character and distinctiveness, strengthen the local sense of place by respecting the existing grain of development in the surrounding area, use local materials and detailing which add to the quality or character of the surrounding environment, respect the scale, mass, height and form of existing buildings in the locality and their setting.

Furthermore this policy sets out that development should sit in with and neither dominate or have a detrimental; impact on its surroundings and neighbouring properties.

The alterations to the integral garage are considered visually acceptable and enhance the appearance of the surrounding area as it would be in keeping with the architectural design of the host property. The proposed alterations to the garage will not alter the existing footprint as the proposal would remove the garage door in replacement for a window. The additional window on the front elevation would be uPVC to match the host dwelling, and where required the walls would be infilled with matching coursed stone. The development would be in keeping with the character of the area as other dwellings adjacent to No.7 have a similar design, including No. 9 and No.11 Mullion Avenue. In addition, the proposal would not introduce new materials and would not be detrimental to visual amenity and the character of the area.

It is therefore considered that in terms of visual amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, the adopted House Extensions and Alterations SPD, and advice within the National Planning Policy Framework.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of

neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

Policy 2 of the HVNP sets out that proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers of land and buildings and prevent or reduce pollution as a result of noise, odour, light and other causes. Light pollution should be minimised and security lighting must be appropriate, unobtrusive and energy efficient.

It is considered that the properties most likely affected by the proposed development are the two properties directly opposite the application property on the east facing elevation, these being No.3 and No. 5 Mullion Avenue.

No. 3 Mullion Avenue

This property is on the east facing boundary with the main amenity space being at the rear and adjacent to the front of No.7. The alterations to the integral garage would remove the garage door on the east-facing elevation and reconfigure the opening for a new window. This window would not result in harmful loss of privacy as there are four existing openings on this elevation that are likely to overlook the rear of No.3. It is also considered that the openings would be a sufficient 20 metres from No.3 itself. The alterations to the garage present no increase in its footprint and therefore are not likely to increase the potential of undue overbearing or overshadowing on this neighbouring property.

No. 5 Mullion Avenue

No.5 is located on the front east-facing boundary with the main amenity space also being at the rear and adjacent to the driveway of No.7. The reconfigurations and addition of one east-facing window is not likely to result in detrimental loss to residential privacy as there are existing openings on the front elevation of No.7 that are likely to overlook the rear of No.5. The additional opening at No.7 would also be a sufficient 10 metres from the rear boundary of No.5 and is unlikely to cause undue harm to residential amenity in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing affect.

It is therefore considered that in terms of visual amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the adopted House Extensions and Alterations SPD, and advice within Chapter 12 of the National Planning Policy Framework.

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.

The proposal seeks to convert the integral garage to extended living accommodation which would remove one off-street parking space. However, the internal measurements of the garage are ~2.2 metres by ~5.2 metres, which is below the minimum internal dimensions for a garage and substandard for a modern car. As the number of bedrooms is not affected by this proposal, it is considered that adequate off-road parking would be available at the application property and off-street parking spaces would be lost as a result of this development.

With regard to highway safety, the proposal would not alter existing routes of access to or from the site in conjunction with the fronting highway.

It is therefore considered that in terms of access and highway safety / parking the proposed would comply with Policies LP21 and LP22 of the Kirklees Local Plan, principle 15 of the Council's Street Design Guide and chapter 9 of the National Planning Policy Framework.

5 – Other matters:

Ecology

Policy 13 (Protecting Wildlife and Securing Biodiversity Net Gain) of the Home Valley Neighbourhood Plan sets out that development proposals should demonstrate how biodiversity will be protected and enhanced including the local wildlife, ecological networks, designated Local Wildlife Sites and habitats.

Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are 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.

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. The extension would be constructed from stone which is a sustainable, recyclable material which would locally sourced. This is considered to be acceptable in terms of mitigation against climate change.

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 development would constitute sustainable development and is therefore recommended for approval.

Recommendation

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2023/93211

Officer Recommendation: 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 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 with Policies LP1, LP2, LP21, LP22, LP24 & LP51 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8 & 15 of the Council's adopted House Extensions and Alterations SPD and policies within Chapters 2, 4, 9, 12, 14 & 15 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application Form			31 st October 2023
Location Plan	PP-12504433v1		31 st October 2023
GA as Proposed	1029-02	A	31 st October 2023
GA as Existing	1029-91	A	31 st October 2023
Climate Change Statement			31 st October 2023
Block Plan	1029-03	A	31 st October 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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

Report Dated: 19/12/2023