

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:	2023/62/93232/W
Site Address:	12, Fartown Green Road, Fartown, Huddersfield, HD2 1AA
Description:	Alterations to convert dwelling into 6 bedroom House of Multiple Occupation
Recommending Officer:	Tom Hunt

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: 4th June 2024

Officer Report

Site Description

2023/93232 – 12, Fartown Green Road, Fartown, Huddersfield, HD2 1AA

The application site relates to a two-storey, mid-terraced building with shared highway access/parking courtyard with its neighbours no.s 6, 8 and 10 off Fartown Green Road. It is constructed of stone and has a grey tile roof. There is an underpass to the rear amenity garden. It had been extended to the rear with a historic single-storey rear projection.

Description of Proposal

Alterations to convert dwelling into 6 bedroom House of Multiple Occupation

It is proposed to alter the 5 bedroom C3 use to a large HMO/Sui Generis use with 6 double bedrooms all having an ensuite each serving 6-12 occupants. There would be a shared kitchen/dining room within the property.

Five parking spaces are proposed to the front; they are ~2.4m by 4.8m. Six bins per waste stream have been set out to the rear.

History of negotiations/amendments received

The case officer considered the application on review and sought additional information on parking layout with a swept path analysis (to avoid encroaching on neighbouring land) following discussion with the Highway Development Management Officer. A new amended plan was submitted with a reduced parking provision which achieves a feasible swept path analysis and sufficient bin capacity.

Relevant Planning History

No previous planning applications for this site.

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: 09/01/2024.

No representations have been received.

Amended plans were received however they were not readvertised as they did not change the description of development and did not materially have a detrimental impact on planning considerations.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- Highways Development Management – Informally consulted. Support.
- KC Crime Prevention – Advice on recommendations for security measures sent to agent.

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.

Kirklees Local Plan (LP):

- **LP 1 – Presumption in favour of sustainable development**
- **LP 2 – Place shaping**
- **LP 21 – Highways and access**
- **LP 22 – Parking**
- **LP 24 – Design**
- **LP 28 – Drainage**

Supplementary Planning Guidance and other considerations

- Highways Design Guide SPD
- Nationally Described Space Standards
- Waste Management Design Guide for New Developments (Oct 2020, v.5)
- Kirklees Climate Change Guidance for Planning Applications (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)

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 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 8 – Healthy and Safe Communities
- Chapter 9 – Promoting sustainable transport

- 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

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
- 6) Representations
- 7) Conclusion

1 – Principle of development:

1.1 Sustainable Development

Policy LP1 of the Local Plan states that when considering development proposals, the council will take a positive and proactive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

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.

The Local Plan contains no specific policies on the subdivision of existing dwelling houses to create HMOs. 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.

Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

2 –Impact on visual amenity:

The proposal seeks to make internal alterations to an existing property. The only external alteration would be the provision of five off street parking spaces to a hard surfaced area and bins positioned to the front. As such, there would be no significant visual impacts to be assessed for the host and streetscene. The proposal is therefore regarded as acceptable for permission in this regard as it would not significantly harm the visual amenity of the area and be acceptable and accord with Policy LP24 of the Local Plan and Chapter 12 of the NPPF.

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 135f 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 area is residential with C3 properties being a high density, mix of terraced through/back-to-back and semi-detached housing. The immediately neighbouring properties, from available property sales records, are 2-3 bedroom properties. Council records show that none of those neighbours or nearby properties have been officially sub-divided so the proposal would introduce a new HMO which would intensify the occupancy levels and be moderately uncharacteristic of the existing housing density. This would have the potential to introduce a non-cohesive group of 12 unrelated people or occupiers of a property as opposed to a family or a more typical household make-up locally. Officers concur that this would be a material change in the use of the property with potential impacts to residents and the locality to be evaluated as follows.

The proposal would have an intensification of use for an existing C3 dwellinghouse, with 5 bedrooms, to a large HMO/sui generis use, with six double bedrooms. Two new bedrooms would be created within the conversion of the existing living and dining rooms at ground floor. It is noted that it is likely that there would be a potential increase in occupancy from 8 residents to 12 residents.

The existing property serves residential C3 accommodation with habitable rooms on the ground and first floor; the proposal seeks to have bedrooms on both floors. The intensified use at ground floor would have occupants look out towards the highway (northwest) and southeast towards opposite neighbours with a minimum of 33.5m separation distance to any windows. The relationship between occupants at first floor would be unchanged as those are given over to bedrooms. This demonstrates that there would be no additional harm with regard to loss of privacy or overlooking from the intensification of use.

The proposal does not seek to add bulk and massing by way of extensions so there would be no impact on overbearing and overshadowing.

Available aerial surveys indicate that the hardstanding to the front is used as informal parking. It is acknowledged that a more formalised parking space arrangement to serve the large HMO could introduce an intensification of use with the associated increase of new sources of noise (vehicular movements, doors slamming, etc) in close proximity to neighbouring properties. That said,

the area of hardstanding would not increase the capacity of informal parking and is adjacent to a busy highway and to a bus stop with frequent comings and goings. The front courtyard also serves nos 6, 8 and 10 Fartown Green Road as dedicated parking so the type of noise output would not be uncharacteristic. In addition, the close proximity of services and frequent bus stop services would support occupants in relying more on car free travel and would reduce the frequency of vehicular parking noise outputs and parking congestion. As such, the proposal would appear unlikely to lead to additionally significant levels of noise and congestion sufficient to cause disturbance and amenity harm over and above the existing arrangement.

The intensification of the property and use of its rear amenity space by four more occupants could increase noise levels. Whilst there would be nothing to prevent small gatherings, equally this may also happen with the property in use as a family dwelling. Furthermore, the surrounding area experiences some ambient noise,

because of the volume of traffic on Fartown Green Road and the nearby Bradford Road as a main distributor road, which would also be felt within the property's rear garden. Set against this context, the level of activity associated with the proposal would be unlikely to be significant and unlikely to require sound insulation measures to attenuate the noise levels/transmission from internal occupancy to neighbours to make the development acceptable in planning terms. There would be provision for refuse and recycling bin storage to the rear without detriment to the neighbours being in a low visibility area and would not result in any materially different effects in terms of noise and disturbance.

There is potential for an increase in antisocial behaviour and disturbance from the increased concentration of HMOs. West Yorkshire Police were consulted and raised no objections. From Council records, there appears to be no proliferation of large HMOs or apartments in the locality, to suggest that the proposal would contribute to a cumulative harmful effect on the area from over-intensification. Nonetheless, an informative has been attached to outline Council powers over noise and nuisance for residential amenity.

As such, while the proposal would introduce a moderately uncharacteristic form of housing to the area, it is acknowledged that the area is a high-density residential area with ambient traffic and pedestrian noise levels from the nearby Local Centre. This isolated form of intensified occupancy would not significantly harm the character of the area or be significantly detrimental to residential amenity. Furthermore, the occupation of a large HMO would also be required to obtain a License.

Future Occupiers

While Nationally Described Space Standards is not a fully adopted Policy of the Council, it is a nationally recognised benchmark for achieving adequate levels of daylight and space for future residential occupancy and is of relevance to LP24b) of Kirklees Local Plan in the assessment as follows. The

internal layout would be changed from its present arrangement of living and dining rooms to ground floor and reconfiguration of bedrooms to the first floor to a six double bedroom HMO with the only shared habitable room the kitchen/diner. It would appear to be at the minimum, a two-storey HMO serving a 6bedroom 12person household with ~175sqm of internal space provided. As the nearest comparator, the NDSS sets out that a 6bed 8person dwellinghouse should provide 132sqm of internal living space and 4sqm of storage. Officers concur that this proposal would provide an adequate quantity of internal floor and storage space per additional person (if it is considered 9-10sqm of additional internal space is required per additional person).

The internal layout demonstrates that all bedrooms' floor space would exceed Nationally Described Space Standards for double bedrooms and that they would all be daylit with a reasonable degree of outlook. The occupants would be provided with what is deemed a sufficient degree of privacy and use with ensembles, cupboards for storage, a shared kitchen/dining room and private outside amenity space to the rear.

In conclusion, it is considered that the proposal would ensure a satisfactory standard of amenity for future residents in accordance with the aims of LP24(b) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

4.1 Highways

The Council seeks to ensure that new developments have an acceptable impact on highway safety and provide sufficient parking. The Highway Development Management team were informally consulted and initially raised concerns over the feasibility of the original proposed parking arrangements. Following provision of plans with sufficient turning potential demonstrated by a swept path analysis, which avoids vehicles encroaching onto neighbouring land, Officers concur that this would now be acceptable.

Cycle storage is more critical than on the existing arrangement, not only because of the increased number of rooms and potential residents, but because there is not provision for storage. Whilst a cycle shed providing secure storage might be preferable, it is considered it might be disproportionate to require this as a condition of granting planning permission since it relates to the conversion of an existing building rather than new build.

The change of use would have six double bedroom units which would benefit from being in close proximity to the facilities and services within Fartown Bar Local Centre and to high frequency public transport links in order to support car free travel. Future residents would therefore, it is anticipated, be able to fulfil many of their daily and weekly needs without the use of a private car and it is probable that not all future residents would be car owners. No concerns were raised by the Highway Development Management Officer over the

proposed provision of five off street parking spaces in light of its sustainable location.

4.2 Waste Management

Standard communal provision is calculated at the rate of 180 litres per apartment/HMO bedroom for each type of waste. Applying the above calculation for the current application would require 1,080 litres for general waste and the same for mixed recyclables. The layout shows six 240ltr bins per waste stream have been set out to the rear which would marginally exceed the recommended capacity for a six double bedroom HMO. Whilst the bin presentation point to the rear may be moderately further than desired, the siting of the bins to the rear would visually avoid bin clutter and fire risk by siting the bins too close to the property. It is also noted that whilst a 1100 Eurobin per waste stream could have been provided, this would not be as manoeuvrable as a standard capacity bin so Officers accept that the siting would achieve the most realistic solution.

The proposed development would not cause additional harm to highway safety and be acceptable for the aims of LP 21 and LP22 of the Kirklees Local Plan, the Highways Design Guide SPD, and Chapter 9 of the NPPF.

5 – Other matters:

Climate Change

When determining planning applications, the Council will use the relevant Local Plan policies, the NPPF and guidance documents/SPDs to meet targets to achieve net zero carbon emissions. A Climate Change Statement has been supplied. Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development.

As the proposal is for a new HMO, the provision of electric vehicle charging points is controlled by regulations and does not require a condition to be set, for avoidance of doubt, an informative would be attached to advise the applicant to check whether they are required to provide EVCPs to discharge their duties and to support carbon emission reductions.

Drainage

The site is within a low probability Flood Risk Zone and does not seek to extend its hard surfaced area for its off street parking area therefore this would have no conflict with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the NPPF.

6 – Representations:

No representations had been 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

Application Number: 2023/93232

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.

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 to accord with Policies LP01, LP02, LP21, LP22, LP24 and LP28 of the Kirklees Local Plan and Policies within Chapters 2, 4, 5, 8, 9, 12, 14, 15 of the National Planning Policy Framework

FOOTNOTE: Whilst the grant of planning permission is given, the applicant should be aware that Planning Permission does not override legal covenants

on properties, access or Private Rights of Way as these private matters fall outside the remit of the Local Planning Authority. Applicants are reminded that they ensure that the relevant land ownership should be respected, including parking arrangements, and that the works carried out is lawful.

FOOTNOTE: Building Regulations (2021 edition) control the provision of Electric Vehicle Charging Points for new residential buildings under Approved Document S 'Infrastructure for the charging of electric vehicles'. Building work must meet all relevant requirements of the Building Regulations. To comply with the Building Regulations, it is necessary both to follow the correct procedures and meet technical performance requirements for building work to be found acceptable.

FOOTNOTE: Kirklees Council has powers under Section 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location and Existing Site Plans with Proposed Parking Layout.	Drawing no. UD-493.	Amended	03/06/2024
Existing Floor Plans.	Drawing no. UD-493-01.	Unamended	01/11/2023
Proposed Floor Plans.	Drawing no. UD-493.	Unamended	01/11/2023
Climate Change Statement	-	-	14/11/2023

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 additional information on parking layout with a swept path analysis (to avoid encroaching on neighbouring land) following discussion with the Highway Development Management Officer. A new amended plan was submitted with a reduced parking provision which achieves a feasible swept path analysis and sufficient bin capacity.

Report Dated: 03/06/2024

