

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:	2023/62/93463/W
Site Address:	52, Long Croft Street, Golcar, Huddersfield, HD7 4EA
Description:	Conversion of cellar to kitchen with patio doors to garden, modification to ground floor and replacement of steps to garden (within a Conservation Area)
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.

John Holmes

AUTHORISED OFFICER

Date: 01-Feb-2024

THE SITE

52, Long Croft street is a two storey mid-terraced dwelling. Exterior construction materials consist of buff brick with a pitched gable roof. The application property is situated in the middle of five 1920's terraced properties which share similar design and exterior construction materials. The main amenity space of No.52 is a modest-sized lawned garden to the rear of the dwelling. The application site is located on the edge of a wider residential area in Golcar, and is located in a Conservation Area and the River Colne Corridor. The dwelling is also adjacent to the Green Belt.

THE PROPOSAL

The applicant is seeking planning permission for the conversion of cellar to kitchen with patio doors to garden, modification to ground floor and replacement of steps to garden.

The excavation works consist of the removal of approximately 18 cubic metres of earth to enable access into the cellar and create a level amenity area. The width of the works would lie flush with the rear elevation of the application site at ~5.2 metres and would project ~2.5 metres from the rear wall. The 'sunken patio' area would be ~4.3 metres from the rear site boundary.

The proposed works would demolish the existing raised terrace area with associated steps to the garden and replace with steps. These would be ~1.6 metres in height with a platform that projects ~1.9 metres from the rear wall of the dwellinghouse. The excavation works would serve external access to the proposed kitchen via glazed patio doors located on the rear (south-east facing) elevation. The proposed steps would remain at the same height as the existing to serve external rear access from the ground floor down to the garden.

In this case the majority of the works would consist of the removal of earth to the rear amenity space to enable an enlargement to the existing opening which is in place and serves a cellar. The enlargement of this opening would lead to the insertion of a large patio door opening, which would access a level patio area which incorporates two steps into the rear garden area. Stepped access would need to be constructed to accommodate the development which would create a level platform to the front of the door which had a protrusion of 2m.

PLANNING HISTORY

Relevant planning history for this site is summarised as follows:-

- 2023/92690 – Certificate of lawfulness for conversion of cellar to kitchen with patio doors to garden, modification to ground floor and replacement of steps to garden. – refused on the basis the works could not be lawfully undertaken by virtue of permitted development legislation.

HISTORY OF NEGOTIATIONS/ AMENDMENTS RECEIVED

No negotiations have taken place and no amended plans received.

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, a site notice and advertisement in the Huddersfield Daily Examiner.

Final publicity date expired 4th January 2024. One representation was made as a result of this publicity. This is summarised as follows:

Letter of objection

Two representations, from one objector, have been received raising the following concerns:

- Concern over a potential collapse of the wall and also the garden of no.54 as a result of the works
- The rear elevation drawings are incorrect as one shows both gardens at the same height and another shows differing heights, yet no.54 is higher.
- Assurance that land stability would be maintained.

These are addressed in the following report.

CONSULTATIONS

Network Rail – No response received.

ALLOCATION & POLICIES

The site is located within a Conservation Area and a Strategic Green Infrastructure Network as indicated within the adopted Kirklees Local Plan. The site is also in an area with a known presence of bats.

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
LP30 Biodiversity
LP35 Historic Environment
LP51 Air quality
LP53 Land stability

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19th 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. Considered to be of relevance to the consideration of this application are policies within the following chapters:

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- Chapter 2 – Achieving sustainable development
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change
- Chapter 15 – Conserving and enhancing the natural environment.
- Chapter 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

House Extensions and Alterations SPD (June 2021)

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.

Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

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

The Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990

The Planning and Compulsory Purchase Act 2004.

The Conservation of Habitats and Species Regulations 2017

ASSESSMENT

The following matters are considered in the assessment below –

1. Principle of development
1. Visual Amenity
2. Impact upon historic environment
3. Impact upon residential amenity
4. Impact upon highway safety
5. Climate Change
6. Other matters
7. 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 converting cellar to kitchen with patio doors to garden, modification to ground floor and replacement of steps to garden is considered acceptable in principle and shall be assessed against the applicable material planning considerations within the following report.

2 – Visual Amenity

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.

The 'sunken patio' area would have a rear projection of ~2.5 metres and a width of ~5.2 metres and would be sited along the east facing and west facing boundaries. The proposed works would not result in covering more than half the total area around the original house and the rear projection of the excavation would be proportionate to the dwelling. Due to the minimal excavation, the proposed development would not cause detrimental harm to the visual amenity or undermine the significance of the conservation area.

The proposed development would be located at the rear of the dwelling and would not be visible from Long Croft Street therefore would not impact upon the street scene. A site visit confirmed that the dwelling is visible from a public footpath linking Long Croft St to Britannia Rd, and in this instance the proposed works would likely be visible. In this case, the rear of No 44 is three storeys with patio doors on the ground floor, bearing resemblance to the development for which the application property is seeking to achieve. Notwithstanding the materials of construction sought to be used, it is recommended any grant of permission requires the materials of construction to match those used in the construction of the host property to ensure they are sympathetic to the local character, complying with KDP 1 and 2 of the SPD.

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 upon historic environment

Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character of appearance of Conservation Areas. This is echoed within policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

LP35 of the Kirklees Local Plan requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets.

At paragraphs 205 – 207 the NPPF is clear, that where development leads to substantial harm, this is necessary to achieve substantial public benefits that outweigh that harm or, in the case of less than substantial harm this should be

weight against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The proposed works, as set out in the proposal section of this report, would not lead to harmful interventions in this case. This conclusion is drawn in cognisance of the submitted heritage statement which sets out use of like for like materials would be undertaken and the works are not considered to result in harm to the heritage asset.

The site is developed in a similar manner already with a basement level opening and whilst this would be enlarged with a modern intervention, large openings are a common feature to the rear of this row of terraced properties and in this case it is noted the row to which the dwelling forms a part of has a number of other properties which have been developed in the same way.

It is therefore considered that the setting of the Conservation Area would be preserved in this case, with the proposal leading to no harm to the heritage asset. The proposal is therefore concluded to accord with the aforementioned legislation and policy.

4 – 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.

Impact on 54, Long Croft Street

This dwelling neighbours the application property on the north-facing elevation. The 'sunken patio' is approximately 2.2 metres below the proposed staircase. It is considered that this would be well below the neighbouring walls and would have a significant impact on privacy. The proposed openings at No.52 would lie flush with the rear elevation of this neighbour and would not create an overshadowing or overbearing impact of such significance as to warrant refusal.

The proposed works would replace the rear staircase along the shared boundary. The rear staircase into the garden is an existing and typical design feature of this cluster of terraced properties and would provide access to and from the dwelling. The top step, being long (2m in length) could not be easily utilised as a raised terrace for sitting out or other activities and is not considered to have a significant impact in this regard / in terms of overlooking.

Impact on 50, Long Croft Street

This dwelling is adjoined to the application property on the west-facing elevation. The proposed openings would lie flush with the rear elevation with

no openings facing this dwelling, complying with KDP 4. Both the dwellings are located on the same ground level and building line with the patio area ~2.2 metres below the rear staircase of this neighbour. Due to the proposed works being on a significantly lower land level, it is considered the proposal would not lead to significant harm to residential amenity for this property and would comply with KDP 3, 5 and 6.

It is therefore considered that in terms of residential 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.

5 – 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 proposed works would not alter existing access to and from the property in conjunction with the adjoining highway. In addition, the development proposes for the basement to be converted into a kitchen and would not increase the number of bedrooms at the dwelling. For these reasons, the proposal is considered to comply with Key Design Principle 15 in the SPD.

It is also noted that there is sufficient space within the site boundary to accommodate bin storage and therefore would comply with Key Design Principle 16 of the SPD.

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.

6 – 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. A climate change statement has been submitted with this application.

Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

The submitted climate change statement sets out the intention to meet or exceed building regulations in terms of energy demand reduction measures, and materials to be sourced locally to reduce transport emissions associated with their transit.

Having regard to the suggested measures detailed in the submitted climate change statement, it is considered that the proposal would be acceptable in this regard.

7 – Other matters:

Ecology

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.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest 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.

Land Stability -

Policy LP53 of the Kirklees Local Plan and paragraphs 180 and 189 of the National Planning Policy Framework are relevant which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

Paragraph 190 of the National Planning Policy Framework states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

The site is not in an area known to be affected by land stability as a result of former mining activity. The scale of the proposal is not considered to be such

that it would be reasonable of the LPA to require the submission of further information as part of this application in relation to land stability. The section drawings provided detail that of the neighbouring land and that of the site.

In this case it is considered that subject to inclusion of an informative note drawing the applicants attention to the fact ensure the site is developed in a safe and secure manner in relation to land stability, the proposal is concluded to be acceptable in this regard

8 – 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: 2023/93463

Officer Recommendation: Approval

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 to accord with Policies LP01, LP02, LP21, LP22, LP24 & LP30, LP51 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 & 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 9, 12 and 14 of the National Planning Policy Framework.

3. Notwithstanding the plans submitted the external materials of construction used in the development hereby approved shall in all respects match those of the host property and be retained thereafter.

Reason: To ensure the development has an acceptable visual impact an to preserve the setting of the Conservation Area to accord with policies LP24 and LP35 of the Kirklees Local Plan, Principles 1 and 2 of the Council's House Extensions and Alterations SPD and policies within Chapters 12 and 16 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: Paragraph 190 of the National Planning Policy Framework states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			28/11/23
Climate Change Statement			29/11/23
Heritage statement			29/11/23
Location & site plans	AB O1A		29/11/23
Existing & proposed plans	AB O2A		28/11/23

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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

Report Dated: 29/01/23

