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:	**2023/62/93584/W**
Site Address:	145, Trinity Street, Huddersfield, HD1 4DZ
Description:	Erection of extensions and alterations to form 4 flats (Listed Building within a Conservation Area)
Recommending Officer:	Tom Hunt

DECISION - REFUSED

I hereby authorise the refusal 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: 6th March 2024

Officer Report

Site Description

2023/93584 – 145, Trinity Street, Huddersfield, HD1 4DZ

The application relates to the Grade II listed 145 Trinity Street which is group listed under (Historic England Listing ref: 1222838). This is a mid-terraced, two storey dwellinghouse with an understorey to front and a shared passageway running through it. There is a small front amenity space and rear amenity space. At the rear there is an understorey. It is constructed with natural stone and tile roof. As well as being listed, the property is within the Greenhead Park/New North Road Conservation Area. Some of the Listed Buildings in the terraced row have two-storey rear projections, typically of half span to the host and with flat roofs.

Description of Proposal

Erection of extensions and alterations to convert an existing single dwellinghouse to form 4 flats (Listed Building within a Conservation Area).

All figures are approximate and in metres.

It is proposed to subdivide the property into 4 flats with accommodation in the roof.
Lower ground floor flat:
Double bedroom, kitchen/dining/living space, storeroom and shower room.
Gross internal living space: 58sqm. Double bed: 16.1sqm.

Ground floor flat:
Double and single bedroom, kitchen/dining/living space and shower room.
Gross internal living space: 55.4sqm. Double bed: 16.7sqm. Single bed: 6.1sqm

Front first/attic floor flat:
Double bedroom, kitchen/living space, storage and shower room
Gross internal living space: 49sqm. Double bed: 12.3sqm

Rear first/attic floor flat:
Double and single bedroom, kitchen/living space, storage and shower room
Gross internal living space: 58sqm. Double bed: 12.4sqm, single bed:12.5sqm

It is proposed to have a two-storey rear extension with flat roof which would be sited in the middle of the property avoiding encroaching onto the shared

passageway. This would project 3m from the rear, be 3m width and have a height to the host eaves at 6.3m height from ground level. The extension would overhang the under-storey's rear entrance. This would add bedrooms to the ground floor and first floor (rear) flats.

Proposed materials are stone to elevations and windows to be replaced with white uPVC windows and doors. Rainwater goods would be replaced with uPVC pipes and guttering. Fenestration would be limited to the rear of the extension and would match the host's existing. The entrance to the lower ground flat would have black metal railings. There would be an additional roof light per roof plane aligned with a previously inserted rooflight on either plane.

Two off street parking spaces have been set out to the rear with a limited area of garden remaining with bin storage (which would be timber enclosed).

History of negotiations/amendments received

The case officer considered the application on review and sought no amendments as the proposal could not be supported on heritage or amenity. The applicant was requested to allow an Extension of Time to consider the proposal more fully however did not agree this and the Officer proceeded to determination to determine the proposal in time.

Relevant Planning History

2008/90898	Conversion of two dwellings into 4 no flats (Listed Building within a Conservation Area) *Conditional Full Permission.*
2008/90899	Listed Building Consent for conversion of two dwellings into 4 no. flats (within a Conservation Area). *Consent Granted.*
2013/90700	Listed Building Consent for alterations to convert existing dwellings into 4 flats. *Consent Granted.*
2023/93585	Listed Building Consent for erection of extensions and alterations to form 4 flats (within a Conservation Area). *Pending.*

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, site notice and press publicity which had a final expiry date of 01/03/2024

Two representations have been received objecting to the scheme; a summary of the comments received is set out below:

- Intensification of property subdivided to 4 flats would increase parking pressure.
- Parking permits are not always able to be enforced and parking is oversubscribed
- Plans need to be more detailed to assess visual amenity and lighting

Amended plans were received however they were not readvertised as they did not change the description of development and did not materially change the impact on planning considerations. Plans are sufficiently detailed to assess the scheme. The impact on parking would be considered under the Highway safety section of the report.

Consultation Responses

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

- Conservation & Design – Not supportive.

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 a Grade II Listed Building (Historic England Listing ref: 1222838) in Greenhead Park/New North Road Conservation Area on the Kirklees Local Plan. It is within a Bat Alert layer. It is within a High Risk Coal area for development and is not within an identified risk area for historic gas and landfill. It is within Flood Zone 1.

Kirklees Local Plan (LP):

- **LP 1 – Presumption in favour of sustainable development**
- **LP 2 – Place shaping**
- **LP 7 – Efficient and effective use of land and buildings**
- **LP 11 – Housing Mix and Affordable Housing**
- **LP 21 – Highways and access**
- **LP 22 – Parking**
- **LP 24 – Design**
- **LP 28 – Drainage**
- **LP 30 – Biodiversity and Geodiversity**
- **LP 33 – Trees**
- **LP 34 – Conserving and enhancing the water environment**
- **LP 35 – Historic Environment**
- **LP 51 – Protection and improvement of local air quality**
- **LP 52 – Protection and improvement of environmental quality**
- **LP 53 – Contaminated and unstable land**

Supplementary Planning Guidance and other considerations

- Highways Design Guide SPD
- House Extensions and Alterations SPD (2021)
- Housebuilders Design Guide SPD (2021)
- Nationally Described Space Standards
- National Design Guide
- Waste Management Design Guide for New Developments (Oct 2020, v.5)
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021)
- Kirklees Climate Change Guidance for Planning Applications (2021)
- Institute of Air Quality Management Land-Use Planning & Development Control; Planning for Air Quality (2017)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Planning (Listed Building & Conservation Areas) Act (1990)

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 5 – Delivering a sufficient supply of homes
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- 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
1) Impact on visual amenity and heritage amenity
2) Impact on residential amenity
3) Impact on highway safety
4) Other matters – e.g. trees/ecology
5) Representations
6) Conclusion

<u>1 – Principle of development</u>:

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. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

The Principles in the Housebuilders Design Guide SPD and Key Design Principles 1 and 2 of the House Extensions and Alterations SPD have been used as a guide in considering the proposal’s visual amenity impact on the streetscene and host.

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.

1.2 5 Year Housing Land Supply
The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land, and the 2022 Housing Delivery Test (HDT) measurement which was published on 19th December 2023 demonstrated that Kirklees had achieved a 67% measurement against the required level of housing delivery over a rolling 3-year period (against a pass threshold of 75%).

As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making “Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7: includes designated heritage assets which is of primary importance here) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

The Council’s inability to demonstrate a five-year supply of housing land, or pass the Housing Delivery Test, weighs in favour of housing development but this has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officer’s assessment.’

Chapter 5 of the NPPF clearly identifies that Local Planning Authorities should seek to boost significantly the supply of housing. Policy generally seeks to support residential development upon unallocated sites. However, Policy LP7 establishes a desired target density of 35 dwellings per hectare unless the

individual site characteristics dictate a lower density of development. This is further clarified by Principle 4 of the Housebuilders Design Guide which states that densities lower than 35 per hectare are only permitted in line with Local Plan Policy LP7. As the application site would mainly consist of subdividing an existing property into flats in an area noted for being higher density residential, it could be considered a relatively sustainable location for new residential development. In addition, its potential density may be able to reflect settlement character if designed appropriately. In terms of parking being adequate, this is discussed in the highways section of this report.

However, the provision of housing needs to be balanced against all material planning considerations outlined below.

1.3 – Heritage
The site is located within Greenhead Park/New North Road Conservation Area and forms a Listed Building. The site is part of a group of Listed Buildings and others also within close proximity to a number of listed buildings. As such, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention in order to preserve or enhance the character and setting of buildings or land within a Conservation Area. Section 66 of the Act sets out a duty for local planning authorities in considering whether to grant planning permission for development which affects a listed building or its setting, to 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.

Sections 66 and 72 of the Planning (Listed Building & Conservation Areas) Act (1990) are mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Furthermore, LP35 states *"development proposals affecting a designated heritage asset…should preserve or enhance the significance of the asset. In cases likely to result in…harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring…public benefits that clearly outweigh the harm".* This is mirrored in paragraph 208 in Chapter 16 of the NPPF.

Paragraph 203 goes on and states that Local planning authorities should consider:

> *"the desirability of sustaining and enhancing the significance of heritage assets… the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and; the desirability of development making a positive contribution to local distinctiveness"* when determining these applications.

An analysis of whether harm to the significance of these heritage assets would occur will be assessed and discussed later in the report.

<u>2 –Impact on visual amenity and heritage amenity</u>:

In terms of visual amenity, general design considerations are set out in Policy LP02, LP24 and LP35 of the Local Plan, which seeks to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, respecting and enhancing the character of the townscape, heritage assets and protect amenity. LP24 also requires extensions to be *"subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details"*.
Paragraph 134 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
As the proposal seeks to extend an existing residential property, the relevant Principles of the Kirklees Housebuilders Design Guide SPD 2021 are Principle 2 of the SPD for visual amenity which sets out that new proposals are expected to respect and enhance the local character of the area by:

- *"Taking cues from the character of the built and natural environment within the locality.*
- *Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details"*

The Kirklees House Extensions and Alterations SPD 2021 would take precedence in ensuring that future development of extensions and alterations to the host (which is presently a single dwellinghouse in an area where the surrounding properties are or originally were single dwellinghouses) is of high-quality design. Key Design Principles 1 and 2 guide Officers to have extensions appear in keeping with the appearance, scale, design and local character of the area and the street scene and to the host.
Paragraphs 5.1-5.3 of the SPD (pages 23) provides general advice on rear extensions which requires that they should preserve an external passageway to the rear garden, a garden of proportionate size in keeping with its surrounding area and be set behind the original building. The proposal would comply with all those.
Paragraph 5.8-5.10 of the SPD refers to specific guidance on two-storey rear extensions. They should be:

- be proportionate to the size of the original house and garden;
- not normally exceed 50% of the total area of land around the original house (including previous extensions and outbuildings);
- not project out more than 3 metres from the rear wall of the original house;

The proposal would comply with all those requirements.

- not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary;
- be separated from the property boundary, such as a wall, fence or hedge, by at least 1.5 metre;

The proposal would have a separation distance of 1.1m to the southeast flank boundary and 2.8m to the northwest flank boundary. This would provide technical adherence to the House Extensions and Alterations SPD. There are other applications to the rear of dwellings in the area. The proposed fenestration detail of stone lintels and cills (excepting the use of proposed materials) would be suitably matching the existing fenestration. The proposed use of stone could be conditioned to be natural stone in order to match the host. Nevertheless, the extension would result, in overall visual appearance, in a jarring flat roofed extension to a listed building within a conservation area. Considering the visual impact of the design on the Listed Building and Conservation Area, while it would visually appear reasonably subservient with its limited width and projection, it would introduce an uncharacteristic feature, obscuring the original rear elevation of the host and building the extension over an existing lower ground access and would appear contrived and incongruous with the original form of the dwelling. This would not appear in keeping with the design and local character of the area and be contrary to Key Design Principle 1 of the House Extensions and Alterations SPD.

The submitted Design, Access and Heritage Statement justifies this by having regard for other properties on the terrace which have been extended to a similar degree over the years. The Conservation & Design Officer had been formally consulted on this and could not accept the justification for this to *"enable the applicant to maximise the space provided for the flats."* Whilst the previous planning applications for this property had previously been accepted the principle of subdividing the host, it did not support extensions to be made to facilitate this. In terms of the impact on designated heritage assets, these previous approvals are not afforded significant weight.

Looking along the row of terraces, there are other examples of similar extensions, however, most of the extensions which are present are historic and are present from the late 19th/ early to mid-20th century. It appears that towards the centre of the row of terraces, extensions were not considered, and this is likely to be in part due to access through the covered passage. As such Officers are unconvinced by the proposed extension's isolated form of development. It would fail to preserve or enhance the special character and interest of the building or the wider conservation area. Additionally, with the existing space in the building, there is sufficient space to allow for its sensitive re-use, the proposed scheme subject of this application has not been shown to be the sole way in which the full economic use of the building could be sustained.

In addition, the proposed replacement of timber windows for uncharacteristic and low-quality materials in UPVC would fail to respect the special quality of the Listed Building for heritage amenity. It is noted that some of the existing timber windows are not original, and their sensitive replacement would enhance the appearance of the building. However, the chosen materials would be alien to both the building and the expectations for the preservation of the wider character and appearance of the Greenhead Park/New North Road Conservation Area. Existing rainwater goods are cast metal and are to be replaced with uPVC. An objection was raised with regard to the use of low-

quality PVC for windows, doors and rainwater goods eroding the special significance of the Listed Building and the Conservation Area. In all, the isolated and contrived design of the two-storey rear extension and the proposed palette of materials for use within the scheme cannot not be supported.
While the rear rooflight could be supported, further insertion of rooflights to the prominent front roof plane would fail to respect the original character of the Listed Building. It is noted that the existing rooflights did not receive Listed Building Consent and as such a precedent has not been set.
The proposed development would cause a high level of harm to the significance of the listed building and the character and appearance of the Conservation Area, particularly with the architectural interest of the original rear elevation. The proposals would also harm the setting of adjacent listed buildings, particularly through the extension but also through the storage of bins etc for the level of accommodation being provided within the building. This results in harmful and isolated form of development incongruous with the historic character and design of the host within the terraced row. The Local Planning Authority has not been able to reduce that harm to a sufficient degree through negotiations with the applicant and it has not been clearly and convincingly justified. Even though this would be less than substantial harm, great weight should be given to that harm.

The proposed development has some modest public benefits, specifically, in bringing the host back into residential use and providing some additional residential accommodation. However, this would not be sufficient to outweigh the high level of harm caused by the proposals. Viability has not been a proven, raised as an issue by the applicant. As such it would fail to comply with Policies LP24 (a and c), LP35 of the Kirklees Local Plan, Chapter 16 of the NPPF and the Council's duties under the Planning (Listed Building and Conservation Areas) Act.

As such, the proposed two-storey rear extension would fail to respect the original character and design of the host and area by adding a contrived rear extension, new rooflights to the front elevation and use of low-quality materials to the historic host leading to less than substantial harm to the significance of the Greenhead Park/New North Road Conservation Area and the Grade II listed group of Buildings. The adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies. The proposal is therefore contrary to Policies LP24 (a and c) and LP35 of the Kirklees Local Plan, Key Design Principle 1 of the House Extensions and Alterations SPD, Principle 2 of the Housebuilders Design Guide SPD and Government Policy contained within Chapters 12 and 16 of the NPPF.
<u>3 – Impact on residential amenity</u>:

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 2023 states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Considering the extension, Key Design Principle 3 of the Kirklees Householder Extensions and Alterations SPD sets out that extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours. In addition, Key Design Principle 4 notes that extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light and outlook. Furthermore, Key Design Principle 5 states that extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property, and recommends that a horizontal 45 degree line from a neighbouring habitable room window is not breached. Key Design Principle 6 states extensions and alterations should not unduly reduce the outlook from a neighbouring property.

Considering the subdivision of the host to 4 flats, Principles 16 and 17 of the Housebuilders Design Guide SPD are taken into consideration.

The proposed extensions and alterations are assessed upon whether they would have a detrimental effect on residential amenity, adjoining dwellings or any occupier of adjacent land by way of overshadowing, overbearing or overlooking and also in terms of its design, size and visual amenities.

The closest properties to be affected by the development are no. 141 to the southeast and no. 147 to the northwest. A proposed site plan sets out that both of those properties would have a 45-degree field of outlook to those properties windows on either floor at the rear elevation which would ensure that this would be sensitively positioned so as not to have an overbearing effect or loss of outlook. Considering overshadowing, the proposal's limited projection and separation distance to no. 147 would have some very restricted loss of light however this would on balance be acceptably limited. In addition, this property currently has mature green hedging to the shared boundary which would additionally screen the expected impacts from being significant. The proposal's relation to no 141, positioned to the northwest and separated by 1.1m from their boundary would sufficiently ensure no significant overshadowing to the neighbour. There are no side elevation windows to lead to additional impact on overlooking or loss of privacy.

No. 13 Park Drive opposite to the rear would be separated by 25.5m positioned to the southwest and as such the development would be sited a sufficient distance away from this property so as to prevent undue harm to these properties in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing effect.

Future Occupiers

In terms of the amenities of the proposed occupiers, Principle 16 of the Kirklees Housebuilders Design Guide SPD states that: *"All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan."* Further to this, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *"All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces."*

The proposal to subdivide the host would closely meet NDSS standards for a one bed 2 person occupancy over one storey with regard to the lower ground flat and the front first/attic floor flat. In addition, the rear first/attic floor flat would closely meet NDSS for a 2 bed 3 person dwelling over two storeys. The ground floor flat would fail to offer a reasonably adequate floor space for the cramped single bedroom and also for a 2 bed 3 person flat over one storey for NDSS with an overall shortfall of 5.6sqm. In all, the proposal, given the shortfalls, cramped layout and also limited headroom in the attic accommodation would not be acceptable under Principle 16 of the Housebuilders Design Guide SPD. The flats would not provide a good standard of amenity in terms of floorspace when considered against Policy LP24 b of the Local Plan and Chapter 12 of the NPPF.

In terms of outlook and natural light to the proposed lower ground floor flat, this would have a single window in the front and rear elevation that are both fully below ground level and contained in lightwells. The front lightwell has a retaining wall around 1.45m from the window, this is reduced to around 0.90m to the rear. The proposed windows are small and being contained within lightwells would only provide limited amount of natural light to enter the proposed flat. It is considered that the future occupiers of the flat would have no outlook from the small windows given the size of the light wells. It is considered that the living and amenity arrangements for the future occupiers of the ground floor flat would be entirely inadequate to provide acceptable living standards to the future occupiers.

In relation to Principle 17 and Key Design Principle 7 of the House Extensions and Alterations SPD, the proposal would still retain a reasonably proportionate, outdoor private amenity space which appears in keeping with current outside amenity provision in the area available to future and present occupiers to have expected standards of privacy.

The proposed flats, by reason of their limited internal floorspace and in the case of the proposed lower ground floor flat by failing to provide any outlook and limited access to natural light from habitable windows would result in a poor level of amenity for future occupiers and therefore provide unsuitable

living conditions for future occupiers. This would be contrary to Policy LP24 (b) of the Kirklees Local Plan, Principle 16 of the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

Turning to highway safety and parking, policies seek to ensure that new developments have an acceptable impact on highway safety and provide sufficient parking. The Highways Design Guide SPD advises that new development should have sufficient off street parking spaces to meet need and to ensure on street parking impact is limited.

For a 4 plus bedroom property, it should have three off street parking spaces to achieve this aim. Whilst representations have noted that parking in the area is oversubscribed, the proposal would have moderate value in creating two off-street parking spaces which meet Highways Design Guide SPD parking standards to limit its impact on residents. The proposed site is in close proximity to frequent public transport links and close to the services and facilities of Trinity Street Local Centre supporting the use of car free travel.

In addition, the proposal would adequately supply enough space for bin storage to the rear which would be separated from the highway by the host and its timber enclosure. Officers are directed to only refuse proposals if they have an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe under paragraph 115 of the NPPF. As such, the proposal's supply of two off street parking spaces and supported by car free travel would not have an unacceptably harmful impact on highway safety or would increase demand for parking over and above the existing arrangement. This would adequately comply with Policies LP21 and 22 of the Kirklees Local Plan, Key Design Principles 15 –16 of the House Extensions and Alterations SPD, Principle 12 of the Housebuilders Design Guide SPD, the KC Highway 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.
Drainage
The site is within a low probability Flood Risk Zone and therefore if Officers are so minded to approve the application, a condition would be placed to ensure that the additional parking spaces would be drained sufficiently and/or made permeable in accordance with Policy LP28 of the Kirklees Local Plan and the Highways Design Guide SPD.
Biodiversity

Whilst considering Biodiversity, Key Design Principles 12 –13 of the House Extensions and Alterations SPD, LP 30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework is relevant.
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 would have been included in the decision notice, if found acceptable, to inform applicants of their responsibilities in relation to those protected species if they are discovered to comply with LP30 of the Kirklees Local Plan.
The small scale of the proposal would be on an existing hardsurface with no significant impacts to existing vegetation or biodiversity. As such, it is proposed that this would require no additional compensation or mitigation to improve biodiversity to make it acceptable in line with KDP 12-13 of the SPD and LP30 of the Kirklees Local Plan.
Contaminated and unstable land
Whilst the site is within a high coal risk area for development, the proposal would, in the first instance, be for a 'householder extension' before conversion and as such in line with standing Coal Authority advice, an informative on High Coal risk would have been attached to any forthcoming permission granted to comply with LP53 of the Kirklees Local Plan and Chapter 15 of the NPPF.

6 – Representations:

Two representations had been received and considered within the assessment.

7 – Conclusion:

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the application of policies in the NPPF that protect designated heritage assets provides a clear reason for refusing the development proposed.

The proposed two-storey rear extension would fail to respect the original character and design of the host and area by adding a contrived rear extension, new rooflights to the front elevation and use of low-quality materials to the historic host leading to less than substantial harm to the significance of the Greenhead Park/New North Road Conservation Area and the Grade II listed group of Buildings. Public benefits to outweigh such harm have not been demonstrated. The proposal is therefore contrary to Policies LP24 (a and c) and LP35 of the Kirklees Local Plan, Key Design Principle 2 of the Housebuilders Design Guide SPD and Government guidance contained within Chapters 12 and 16 of the NPPF.

Furthermore the development would cause material harm to residential amenity of future occupiers. The proposed flats, by reason of their limited internal floorspace and in the case of the proposed lower ground floor flat by failing to provide any outlook and limited access to natural light from habitable windows would result in a poor level of amenity for future occupiers and

therefore provide unsuitable living conditions for future occupiers. This would be contrary to Policy LP24 (b) of the Kirklees Local Plan, Principle 16 of the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

Recommendation Refuse

Decision Authorisation - Delegated

Application Number: 2023/93584

Officer Recommendation: Refuse

Reason

1. The proposed development, by reason of its design and appearance of the two-storey rear extension, new rooflights to the front elevation and use of low-quality materials would fail to respect the original character and design of the host and area. This would result less than substantial harm to the significance of the Greenhead Park/New North Road Conservation Area and the Grade II listed group of Buildings and wider harm to the visual amenity of the area. Public benefits to outweigh such harm have not been demonstrated. The proposal is therefore contrary to Policies LP24 (a and c) and LP35 of the Kirklees Local Plan, Key Design Principle 1 of the House Extensions and Alterations SPD, Principle 2 of the Housebuilders Design Guide SPD and Government Policies contained within Chapters 12 and 16 of the National Planning Policy Framework.

1. The proposed flats, by reason of their limited internal floorspace and in the case of the proposed lower ground floor flat by failing to provide any outlook with limited access to natural light from habitable windows would result in a poor level of amenity for future occupiers and therefore provide unsuitable living conditions for future occupiers. This would be contrary to Policy LP24 (b) of the Kirklees Local Plan, Principle 16 of the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan.	Planning Portal Reference: PP-12602491v1.	Unamended	05/12/2023
Existing Floor and Elevation Plan.	Drawing no. SHAH-01-P1.	P1	10/01/2024
Proposed Site Plan with 45 degree rule.	Drawing no. SHAH.03.	Unamended	10/01/2024
Proposed Elevation, Floor and Section Plans.	Drawing no. SHAH-02-P2.	P3	22/01/2024
Design, Access & Heritage Statement.	Design, Access & Heritage Statement.	Unamended	05/12/2023
Climate Change Statement	-	-	15/12/2023

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 no amendments as the proposal could not be supported on heritage or residential amenity. The applicant was requested to allow an Extension of Time to consider the proposal more fully however did not agree this and the Officer proceeded to determination.

05/03/2024