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:	**2023/62/93674/W**
Site Address:	801, Manchester Road, Linthwaite, Huddersfield, HD7 5NF
Description:	Formation of lower cellar external door (within a Conservation Area)
Recommending Officer:	Molly Storer

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: 08-Mar-2024

Officer Report

Site Description

801, Manchester Road, Linthwaite, Huddersfield.

The application site relates to a residential, terrace property located on Manchester Road. The stone constructed dwelling has two storeys above ground level which is accessed by steps up from the road level. It also hosts a cellar on the lower ground level.

The site is located within the Linthwaite Conservation Area on the Kirklees Local Plan and is in an area with a known presence of bats.

Description of Proposal

Formation of lower cellar external door (within a Conservation Area).

The proposal relates to the formation of a steel door from the lower cellar to the street at 801 Manchester Road measuring 1.6m x 0.63m. It is presumed that the lower cellar was originally used as a coal store using a traditional coal chute access. The proposal includes the renovation of this small chute which is to be moved adjacent to the door opening such that the character of the building is maintained.

History of negotiations/amendments received

No amendments were sought in this instance.

Relevant Planning History

No relevant planning history.

Representations

The proposal was publicised by neighbour letters

Final publicity date expired: 22nd February 2024

No representations were received. The application was only advertised in this manner as the development was considered not to impact on the character or appearance of the conservation area.

Consultation Responses

The council's conservation officer was consulted on an informal basis and raised no objections to the proposal.

Health and Safety Executive at the council was formally consulted as the site is located within a zone of hazardous materials. They did not advise against the granting of planning permission.

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, but is designated as being within the Linthwaite Conservation Area.

Kirklees Local Plan:

- **LP 1 – Achieving sustainable development**
- **LP 2 – Place shaping**
- **LP 21 – Highway Safety and access**
- **LP 22 – Parking**
- **LP 24 – Design**
- **LP 35 – 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 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 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 (including any heritage considerations)
2) Impact on residential amenity
3) Impact on highway safety
4) Other matters
5) Representations
6) Conclusion

1 – Principle of development

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal. 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.

Policy LP1 of the Kirklees Local Plan (KLP) 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 of the KLP 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”.

As the proposal comprises alterations to an existing residential property that is situated within an established residential area, it is regarded as sustainable development and is acceptable in principle, subject to appropriately addressing other planning matters.

2 – Impact on visual amenity, including the character of the Edgerton Conservation Area

The site is located within the Linthwaite Conservation Area, therefore Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 needs to be considered, which 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.

Furthermore, Policy LP35 of the Local Plan and Chapter 16 of the National Planning Policy Framework is relevant which considers the historic environment.

LP35 states that:

'Development proposals affecting a designated heritage asset…should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm'.

The proposal is relatively small in scale (1.6m x 0.63m) and retains the individual character of the area being designed as a minor intervention in an existing wall. Furthermore it is finished in a black colour scheme, which is respectful of the area. The proposal also includes the renovation of a small chute which is to be moved adjacent to the door opening such that the character of the building/wall is maintained. The proposal of opening the lower cellar is consistent with other houses on Manchester Road where the lower cellar has been opened and therefore can be viewed as being an acceptable development.

The overall visual impact of the proposed extension is acceptable in relation to the application property, neighbouring properties and the wider Linthwaite Conservation Area and the general visual amenity of the area; consistent with Policies LP24 and LP35 of the Local Plan.

3 – Impact on residential amenity

Section B and C of LP24 states that alterations to existing buildings should:

'…maintain appropriate distances between buildings' and '…minimise impact on residential amenity of future and neighbouring occupiers'.

In terms of residential amenity, the proposed external door would be largely hidden from neighbouring dwellings due its small scale and siting, well separated fromt adjacent properties. For the following reasons, the proposed access ramp is considered to be acceptable in terms of visual and residential amenity and therefore complies with LP24 of the Kirklees Local Plan.

4 – Impact on highway safety

Regarding matters highway safety, given the nature of the proposal it has been assessed that the proposal would not intensify the residential use at the application site nor would it impact upon the existing parking arrangement and as such, the proposed opening would not initially give rise to any concerns regarding highway safety. The use of the doorway to the property would not materially obstruct the footway.

5 – Other matters

Climate Change

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

In this instance, due to the nature of the proposal is not considered reasonable to require the applicant to put forward any specific resilience measures.

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.

Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

The works to the existing dwelling would not significantly impact upon the part of the building most likely to contain bats (the roof).

There are no other matters for consideration.

6 – Representations

No representations were received.

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

Application Number: 2023/93674
Decision Authorisation: Delegated Powers
Officer Recommendation: Grant Conditional Permission

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 so as to ensure the satisfactory appearance of the development on completion, and to accord Policies LP24 and LP35 of the Kirklees Local Plan.

Plans and specifications schedule:

Plan Title	**Reference**	**Version**	**Date Received**
Grouped plans and elevations	1A	-	17/01/2024
Location Plan	PP-12673610v1	-	17/01/2024
Design and access statement	-	-	17/01/2024
Application form	-	-	13/12/2023

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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. There was no reason to contact the agent or applicant as the details were acceptable as submitted.

Report Dated: 04/03/2024