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:	**2024/62/90017/W**
Site Address:	adj, 92, James Street, Golcar, Huddersfield, HD7 4HT
Description:	Change of use, erection of first floor extension and alterations to convert detached garage to dwelling (within a Conservation Area)
Recommending Officer:	Katie Chew

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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 23/SEP/2024

Officer Report

Site Description

Adj, 92, James Street, Golcar, Huddersfield, HD7 4HT.

The application site relates to a stone built detached two-storey double garage located to the rear of no. 92 James Street. The garage is built into the rear garden area, benefits from a pitched roof design and is accessed from Park Lane. The application site is surrounded by residential dwellings in all directions.

The site is located within Golcar Conservation Area, adjacent to several Listed Buildings.

Description of Proposal

The application seeks planning permission for the change of use, erection of first floor extension and alterations to convert detached garage to dwelling (within a Conservation Area).

The proposals seek to provide a detached two-storey dwelling comprising of 1 double bedroom, study, utility, bathroom, and open plan living and kitchen area.

No changes are proposed to the overall footprint of the building however, the ridge height is to be increased by approximately 2.2m, and the pitched roof design is to be reorientated to be in line with the pitched roof of adjacent property no. 1 Park Lane.

The proposed dwelling will be accessed via the existing track leading off Park Lane. Garden/amenity spaces are to be provided to the rear of the property. With off-street parking shown to the rear of the property within the existing garden area for 1 vehicle.

It is also important to note that off-street parking is proposed to the rear of the new property for the host dwelling, with 1 vehicle space being provided. Amenity space to the front and rear of no. 92 is also to be retained for the use of occupiers of the host dwelling.

Alterations proposed to the existing structure are to be undertaken in matching coursed natural stone with matching roof slates.

History of negotiations/amendments received

Amendments were sought in respect to the overall scale and design of the dwelling and window arrangements in the interests of visual amenity. It was also requested that an additional parking space be provided to ensure that sufficient off-street parking could be provided for both the host dwelling (no.

92 James Street) and the proposed new dwelling. The Council's Ecology Officer also requested the submission of a Bat Survey.

Relevant Planning History

94/93393 – Erection of 1 detached dwelling incorporating existing double garage. Refused 7th December 1994.

90/04157 – Outline application for erection of detached dwelling (within a Conservation Area). Refused 26th September 1990.

87/04780 – Erection of detached double garage (within a Conservation Area). Approved 27th November 1987.

Representations

Final publicity date expires:

Neighbour Letters – Expired 23rd February 2024.

Site Notice – Expired 22nd February 2024.

Press Notice – Expired 23rd February 2024.

No representations have been received to date.

Officer note: The application has been advertised by site notice and press notice in line with legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. This is due to the site being within Golcar Conservation Area and affecting the setting and significance of Listed Buildings.

Consultation Responses

KC Highways Development Management – Comments received 19th February 2024. No objections to the principle of the development however, there are concerns that this proposal removes existing off-street parking for the existing house at no. 92 James Street. Unless the applicants can show off-street parking for the existing dwelling Highways Officers would object to these proposals.

Officer note: Following receipt of the above comments, the applicant's agent sought to submit amended plans which now show the creation of 2 off-street parking spaces within the rear garden area of the proposed dwelling.

KC Conservation & Design (Informal) – Comments received 16th May 2024. No objections to the principle of converting this building into a dwelling however, Conservation & Design Officers did raise some concerns in respect of the design and scale of the proposed dwelling. Specifically in relation to the below:

- On the side elevation (west) C&D have requested that the French doors and Juliet balcony be removed and replaced with mullioned windows, they consider the balcony to be incongruous.
- They also request that the proposed roof lights be removed. Given where they are located, they will be providing light into a room which already would benefit from dual aspect windows and therefore it is not considered that this would significantly impact upon natural light in the property.
- Inclusion of an extra window at first floor level on the rear elevation where it is currently shown to be blocked up. This is more reflective of what currently exists in the building.
- C&D also questioned whether the ridge height of the building could be dropped further, to ensure it does not dominate or overpower given its location adjacent to Listed Buildings.

Officer note: Following receipt of the above comments, the applicant's agent provided the below response:

'The doors are important and will provide a light feature to this first floor room which is small due to the eaves head height to the windows to the front and rear being only 1800mm due to lowering the roof height. We would appreciate this being allowed.

The roof lights again provide additional light (and height) into the sloping ceiling which is quite low due to the point above. We would appreciate these being left in and they are on the rear of this house not the front.

The extra window would cause internal layout problems as there is a partition wall abutting the rear wall which would have to be moved. The appearance shown is of a typical cottage with 'weavers lights' having a central window blocked up and is a very common feature around this area to cottages having these types of windows and we would appreciate this being left as the feature shown and the internal layout remaining unaltered.

The ridge height has already been dropped to make it slightly below the ridge of the adjacent listed cottage and this makes window head heights inside only 1800mm to the top where the ceiling then slopes up and this is normally 2100mm. Lowering this any further would make the room even smaller and bring the sloping ceiling at the rear and front even closer to worktops which would alter the internal layout. We would appreciate this being left as it is with the agreed reduction in height'.

Officer note: It is also noted that amended plans have been provided which now show an additional off-street car parking space to be provided adjacent to the originally proposed parking space to the rear of the garage. This new space is not considered to be acceptable by Conservation & Design Officers, as it will require the removal of the existing dry stone boundary wall and disruption of the existing garden area to create this additional parking space

and thus would impact upon the setting and significance of adjacent Listed Buildings, causing harm to which the public benefits arising from the scheme would not outweigh the harm caused. This is discussed in more detail within the Heritage section of this report.

KC Ecology Unit – Comments received 19th January 2024. Ecology Officers request that the applicant engage with a suitably qualified ecologist to undertake a daytime inspection for bats (also known as a Preliminary Roost Assessment or Bat Scoping Survey). If the survey indicates that further activity surveys are required to determine the presence/likely absence of bats, this information should also be supplied. Bat activity surveys should be carried out between May and August and in accordance with Bat Conservation Trust guidelines. The application should not be determined prior to obtaining survey information.

Officer note: Following receipt of the above comments, the applicant's agent sought to submit a Bat Survey of which the Council's Ecologist welcomed and raised no objections to subject to a condition relating to the installation of 2 integrated bat boxes into the dwelling should planning permission be granted.

Parish/Town Council

N/A.

Local Ward Members

Councillor Graham Turner – Emailed Officers on the 15th September 2024 asking for an update on the application of which was subsequently provided. No further correspondence received.

Planning Policy Background

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 application site is located within a Conservation Area, adjacent to several Listed Buildings. It is also located within a Bat Alert Area.

Kirklees Local Plan (LP):

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP3 – Location of New Development
- LP7 – Efficient Use of Land and Buildings
- LP11 – Housing Mix and Affordable Housing
- LP20 – Sustainable Transport

- LP21 – Highway safety and access
- LP22 – Parking
- LP24 – Design
- LP26 – Renewable and Low Carbon Energy
- LP30 – Biodiversity & Geodiversity
- LP35 – Historic Environment

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 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. Most specifically in this instance, the below chapters are of most relevance:

- 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

Other Guidance Documents:

- Biodiversity Net Gain Technical Advice Note (2021)
- Housebuilders Design Guide SPD (2021)
- Kirklees Highways Design Guide (2019)
- National Design Guide
- Nationally Described Space Standards
- Kirklees Climate Change Guidance for Planning Applications (2021)
- Kirklees Waste Management Design for New Developments (2020)

Summary of Principal Planning Issues

The following matters are considered in the assessment below –

1) Principle of development
2) Scale, design and visual impact of the proposed development

3) Impact of the proposed development upon the privacy and amenity of neighbouring properties
4) Impact on highway safety
5) Other matters
6) Conclusion

1 – Principle of Development:

1.1 – Sustainable 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 this 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.

1.2 – Housing Density/Delivery

The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. National planning policy requires local planning authorities to demonstrate five years supply of deliverable housing sites against their housing requirement.

The 2023 up-date of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land. As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, 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) ; 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 weighs in favour of housing development but 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 below.

Policy LP3 of the KLP is also of relevance insofar as it requires development to deliver homes in a sustainable way.

Policy LP7 of the Kirklees Local Plan states that should encourage the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and a net density of at least 35 dwellings per hectare should be provided. Principle 4 of the Housebuilders Design Guide seeks to ensure a density of 35 dwellings per hectare or more is achieved. Where a density of 35 dwellings per hectare cannot be achieved, policy LP7 sets out that lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs.

Given that the proposals relate to the conversion of an existing building, Officers consider the provision of just 1 dwelling in this location to be suitable. Any more than 1 dwelling is likely to cause harm in relation to highway safety/access, detract from the setting and significance of adjacent Listed Buildings, and impacts on visual and residential amenity.

In terms of housing delivery/density, the proposal would contribute to the housing stock within the district and therefore it is considered that the principle of redevelopment of the existing garage for 1 dwelling is acceptable.

A full assessment will however be undertaken in relation to amenity, highway safety, and other criteria, this is examined in more detail below.

2 – Impact on Visual Amenity and Heritage Assets:

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby paragraph 131 provides a principle concerning design which states:

"The creation of high-quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities".

Paragraph 135 of the NPPF is of relevance, in particular the following parts: -

'b) Planning policies and decision should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping

c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'.

Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond

which the scale of the development in the local area, thus retaining a sense of local identity.

LP24 states that all proposals should promote good design by ensuring the following:

"a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape…

c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details…"

Policy LP11 of the KLP sets out that all proposals for housing, including those affecting the existing housing stock, will be of high quality and design to contribute to creating mixed and balanced communities.

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. Relevant to this is the Kirklees Housebuilders Design Guide SPD 2021, which aims to ensure future housing development is of high-quality design.

Principle 2 of the Housebuilders Design Guide SPD states that new residential development proposals will be 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;
• Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.

Regarding the layout and siting of the proposed dwellings, Principle 5 of the Housebuilders Design Guide states, amongst other things, that buildings should be aligned and set-back to form a coherent building line and be designed to front onto the street.

Principle 6 of the Housebuilders Design Guide SPD highlights that '*the space between buildings can help maximise residential amenity in terms of maintaining privacy, reducing overlooking and ensuring natural light is able to penetrate buildings…normally new build development should seek appropriate separation distances for servicing, accommodating future adaptions and creating attractive street scenes. These should be in keeping with the character and context of the site and proportionate to the scale of the dwellings'.*

Paragraph 7.19 of principle 6 states that for two-storey house types there should normally be a minimum of a 2m distance from the side wall of the new dwelling to a shared boundary.

Whilst the above paragraphs are acknowledged, given that the proposals relate to the conversion of an existing building, the location, size and layout of the proposed dwelling is somewhat dictated by its existing positioning and structure. Therefore, the proposals are deemed to be acceptable on this occasion.

Principle 15 of the Housebuilders design guide sets out that the design of the roofline should relate well to the site context, including topography, views, heights of buildings and the roof types.

In this instance the proposals seek to raise the roof height of the existing building by around 2.2m. The proposals also alter the orientation of the existing pitched roof, which is considered to better reflect adjacent properties. Whilst an increase in height in this location is not in principle unacceptable, concerns were raised by both Officers and Conservation & Design in respect of the dwelling as submitted competing with adjacent properties, specifically no. 1 Park Lane. Officers did request that the ridge height be lowered slightly to ensure that the proposed dwelling would appear subservient and less dominant, however the applicant's agent stated that lowering the ridge of the dwelling any further would make the room even smaller and bring the sloping ceiling at the rear and front closer to worktops which would alter the internal layout of the building. Whilst this is noted, Officers consider it was imperative that the internal layout of the building be reviewed to ensure that the ridge height can be reduced to its maximum capacity, otherwise this may suggest that the building is not capable of being converted into suitable living accommodation. Officers therefore do not consider the proposals accord with Principle 15 of the above SPD.

Principle 14 of the Housebuilders design guide states that the design of windows and doors is expected to relate well to the street frontage and neighbouring properties and reflect local character in style and materials.

In terms of the window and door arrangements proposed within the new dwelling, the majority of these are considered to be of an acceptable scale and size and are of a traditional appearance with stone surrounds. However, concerns have been raised by Officers in respect of the installation of 2 rooflights within the northern roof slope of the building. These rooflights would be openly visible from Handel Street and would introduce new features within the streetscene, which are not considered to reflect or be sympathetic to the context of the area. This is further compounded by their size. Officers acknowledge the applicant's agent response in that the roof lights will provide additional light (and height) into the sloping ceiling which is quite low and that these windows are to the rear. However, as outlined above, these would be openly visible from the surrounding area and given that the rooms in which they are to provide the light to would have dual aspect windows, Officers do

not consider this to be a necessity to enable the building to become a liveable space.

Alterations were also requested to remove the French doors and Juliet balcony proposed on the western side elevation of the dwelling and replace this with mullioned windows. Whilst the applicant's agent has provided a rebuttal in that the doors are important in providing a light feature to this first floor room which is small due to the eaves head height to the windows to the front and rear being only 1800mm due to lowering the roof height, Officers consider this feature to detract from the traditional and simple appearance of the building, with the Juliet Balcony located within a prominent and open gable elevation. It is also noted that the room in which the French doors are to be installed would benefit from dual aspect windows and double rooflights (should these elements be deemed to be acceptable). It is therefore not considered unreasonable to request the French doors and Juliet balcony be replaced with more traditional windows.

Finally, Officers requested the inclusion of an extra window at first floor level on the rear elevation as this is shown on the submitted plans as being blocked up. The provision of a full array of windows in this location is considered to be more reflective of what currently exists in the building. The applicant's agent states that the extra window would cause internal layout problems as there is a partition wall abutting the rear wall which would have to be moved. The appearance shown is of a typical cottage with 'weavers lights' having a central window blocked up and is a very common feature around this area to cottages having these type of windows and they would therefore appreciate this being left as the feature shown and the internal layout remaining unaltered. Whilst Officers may be amenable to this feature being retained, when viewed cumulatively with the above concerns the proposals as submitted are not considered to accord with Principle 14 of the above SPD.

Moving on to materials, Principle 13 seeks to ensure consideration is given to use locally prevalent materials and finishing to reflect the locality. The proposed alterations to the existing structure are to be undertaken in matching coursed natural stone with matching roof slates. Given the context of the area, the use of coursed natural stone and slate roof tiles are considered to be acceptable and reflective of the materials palette in the area. However, it is reasonable to impose a condition, should planning permission be granted which requires the submission of samples of the external materials to be used within the scheme, prior to their use. This is in the interests of visual amenity and to ensure that the setting and significance of the Golcar Conservation Area and adjacent Listed Buildings is not negatively impacted upon.

In addition, should planning permission be granted, it is considered reasonable and necessary that permitted development rights thtoe property be removed in relation to alterations to the roof, provision of outbuildings and extensions and insertion of new windows into the property. This is to ensure that the simple and traditional appearance of the building would not be diluted, to avoid overdevelopment of the site and to preserve and enhance the Conservation Area and setting and significance of adjacent Listed Buildings.

This would also tie into impacts surrounding residential amenity, which are discussed further into the report.

To conclude, the proposed development by reason of its scale and design, would introduce an unsympathetic, incongruous and overly prominent feature, which detracts from the visual amenity of the area. The development would therefore be contrary to Policy LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and Principles 2, 14 and 15 of the Housebuilders Design Guide Supplementary Planning Document.

Historic Environment

The application relates to the change of use and erection of first floor extension and alterations to convert a detached garage to a dwellinghouse. The application site is located within Golcar Conservation Area, adjacent to several Grade II Listed Buildings.

When making a recommendation in respect of a planning application affecting a Listed Building or its setting, attention must be given to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Planning Authority to '*have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses'*.

Section 72(1) of the Town & Country Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas.

Sections 66(1) and 72(1) 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, Policy 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".*

Paragraph 205 of the NPPF states: "*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation…".* This is further supported by paragraph 207 of the NPPF outlines that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this weight should be weighed against the public benefits of the proposal.

The Listed Buildings which are most likely to be impacted by the proposals are nos. 86-90 James Street. The listing description for these properties is as follows:

'SE 0915 JAMES STREET Golcar 10/208 Nos 86, 88 and 90 - GV II

Mid C19. Terrace. Hammer dressed stone (part rendered). Pitched stone slate roof. No 90 has concrete tiles. Coped gable to west and footstones. Stone brackets to gutter. 2 storeys. South elevation: One 4-light stone mullioned window. One 5-light stone mullioned window. Two 6-light stone mullioned windows First floor; One 14-light stone mullioned window (5 lights blocked). One 8-light stone mullioned window. One 8-light stone mullioned window (2 lights blocked). East elevation: First floor; Small round arched window with tabled sill. North elevation: Extension with catslide roof with two 2-light stone mullioned window to first floor (one has one light blocked)'.

Given the nature of the proposals, the Council's Conservation & Design Officer was informally consulted. They noted that whilst the principle of converting the garage into a residential dwelling is acceptable, they do have some concerns in respect of the overall scale and design of the building proposed. This is specifically in relation to the increase in ridge height of the property by 2.2m. This increase is considered to dominate and overpower adjacent Grade II Listed Buildings, of which their setting and significance should be preserved and enhanced.

Furthermore, concerns were raised (and are outlined in more detail within the visual amenity section of this report) in respect of the proposed window and door arrangements within the building which are considered to be contemporary additions which diminish the overall appearance of the dwelling and appear out of place in this location, thus adversely affecting the setting of the Golcar Conservation Area.

Finally, following the receipt of amended plans to enable 2 off-street car parking spaces to be provided at the site, the proposals seek to remove part of the existing dry stone boundary wall which bounds the garden amenity space to the rear, and excavate the garden out to create a level access for the parking of vehicles. It is considered that changes such as this would significantly alter the visual appearance of the site, and how it is viewed when looking towards Grade II Listed Buildings nos. 86-90 James Street. Officers do not consider these amendments to be acceptable and whilst discussions were had with the applicant's agent, a viable solution could not be found to provide off-street parking without the required engineering operations proposed.

Paragraph 206 of the NPPF requires that the Local Planning Authority should require clear and convincing justification for any harm, if this is deemed to accrue. In this case it is considered that less than substantial harm would occur, as assessed above. Weighing of harm against public benefits Paragraph 208 of the NPPF requires that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

In terms of public benefits, no public benefits have been put forward by the applicant's agent and there are no apparent public benefits that's Officers can evidence, as this is more for private and personal benefit.

To conclude, the Conservation and Design Team have concerns in regards to the development on heritage and design grounds, particularly with regards to our statutory duties under sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, policies LP24 and LP35 of the Local Plan and paragraphs 205, 206 and 208 of the NPPF (20 December 2023). They state that the proposals do not preserve the setting of Grade II listed buildings located adjacent to the application site and do not preserve or enhance the character or appearance of the conservation area. They conclude that the development causes less than substantial harm to their significance, no justification has been provided for that harm and no public benefits have been demonstrated and that they are unable to support this application.

On this basis, it is considered that the development would impact on the setting and significance of the adjacent Grade II Listed Buildings, specifically nos. 86-90 James Street, and would cumulatively also have a harmful impact on the character of Golcar Conservation Area, failing to accord with Policies LP24 and LP35 of the Kirklees Local Plan, Principle 2 of the Housebuilders Design Guide Supplementary Planning Document and policies contained within Chapters 12 and 16 of the National Planning Policy Framework and Sections 66(1) and 72(1) of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990.

3 – Impact on Residential Amenity:

Sections B & C of the Kirklees Local Plan Policy LP24 which 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 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future occupiers.

Principle 6 of the House Builders Design Guide sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.

Neighbouring properties with the most potential to be impacted by the proposals are discussed below.

Impact on nos. 92-96 James Street

These neighbouring properties are located to the south of the application site, approximately 18+ metres away. In terms of overlooking, whilst habitable room windows are proposed within the southern elevation of the new dwelling, looking towards these neighbouring properties, Officers consider that the separation distances proposed, coupled with the differences in ground levels between the site and these dwellings would provide sufficient privacy and avoid any direct overlooking. Furthermore, given their southern orientation, Officers do not consider that the proposals would result in overshadowing of any habitable room windows or useable amenity space. Finally, whilst the proposed building is to increase in height by around 2.2m, given the building is set back a sufficient distance and is to simply extend an existing building, which will be viewed amongst other two-storey properties, Officers do not consider this dwelling to appear overly dominant or overbearing on these neighbouring properties in this instance.

Impact on no. 90 James Street

This neighbouring property is located to the south-east of the application site, approximately 5.3m away. Given the neighbouring properties southern location, Officers have no concerns in respect of overshadowing or the loss of light. Whilst it is acknowledged that there is only a short separation distance between both of these properties, and that habitable room windows are to be installed within the southern elevation of the new dwellinghouse, these windows would not have a direct view into any habitable windows at no. 90. Any views had towards windows in this property would be at an oblique angle and therefore Officers have no concerns in respect of overlooking, or the loss of privacy on this occasion. Furthermore, whilst the existing building is to have its ridge height raised by approx. 2.2m, this will have a similar height to adjacent property no. 1 Park Lane, which sits directly forward of no. 90. Officers do not consider from a residential amenity perspective, that this increase in ridge height would result in a property that would be significantly or overly dominant or imposing on this neighbouring dwelling and therefore this would not form a reason for refusal.

Impact on no.1 Park Lane

This neighbouring property is located directly to the east of the application site. As no windows are proposed within the eastern elevation of the dwelling, Officers have no concerns in respect of overlooking. In addition, whilst there may be some additional shadowing arising from the property than existing, this would only occur for a short period of the day (late afternoon/evening) and would not impact upon any habitable room windows or useable amenity space. Finally, in terms of the proposals appearing overbearing, whilst it is noted that the building is to be raised in height by around 2.2m and therefore will be of a similar height to no. 1, given the differences in ground levels, the stepped layout, and that only obscurely glazed windows are located within the western elevation of this neighbouring property, Officers do not consider, on balance, the proposals to appear overbearing or overly dominant in respect of the residential amenity of no. 1.

Impact on the amenity of future occupiers of the dwelling

Consideration must also be given to the amenity of future residents of the proposed dwellings. Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings accord with the 'Nationally Described Space Standards' document (March 2015). Internally the proposed dwelling would have a GIA that would meet the recommended minimum gross internal floor area for a two-storey 1 bedroomed dwelling and therefore would result in an acceptable standard of amenity for future occupiers. Taking into consideration outlook and light, all habitable rooms benefit from at least 1 window and therefore would benefit from a suitable level of light and outlook.

Moving on to amenity areas, Principle 17 of the Housebuilders Design Guide SPD discusses outdoor amenity areas. It highlights that external space should be able to provide space for activities such as playing, drying clothes and waste storage. Outdoor space should also be in part, able to receive direct sunlight for part of the day, all times of the year. In this instance the proposed dwelling would have a garden/amenity space to the rear, and whilst not overly large in size, this is considered to be reflective of the area and is sufficient given the scale and size of the dwelling proposed. It is also acknowledged that this garden/amenity area would receive sunlight throughout the day, therefore it is considered that the proposed amenity space would meet the requirements of Principle 17 of the Housebuilders Design Guide SPD.

As outlined previously, given the nature of the site and its close relationship with neighbouring properties, should planning permission be granted, it is considered reasonable and necessary that permitted development rights be removed for the provision of outbuildings and extensions, alterations to the roof (including dormer windows/rooflights) and the insertion of new windows within the building. This is in the interests of residential amenity, ensuring that there are no concerns in the future in respect of overlooking, overshadowing, or the proposals appearing overbearing in nature.

In conclusion, taking the above into account it is considered that the proposals would not result in significant or detrimental impacts on the privacy and amenity of any neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and Chapter 12 of the National Planning Policy Framework. The proposals are also considered to be in accordance with the Council's adopted house builders design guide SPD.

4 – Impact on Highway Safety:

Turning to highway safety, Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact to highway safety and provide sufficient parking. Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Principle 12 of the Housebuilders Design Guide sets out, amongst other things that parking to serve dwellings should not dominate streets and should be to the side/rear. In this instance the proposals seek to provide off-street parking for 2 vehicles to the rear of the property (1 for the new dwelling and 1 for the host dwelling), within the existing garden area. This is considered to be acceptable in relation to Principle 12 of the above SPD.

Principle 19 of the Housebuilders Design Guide states that provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development. Bin storage areas are shown on the submitted plans to the front of the dwellinghouse, with a collection point outlined to the south on Park Lane adjacent to no. 96 James Street. This arrangement appears to be similar to other properties in the immediate vicinity and therefore it is considered to accord with Principle 19 of the above SPD.

This application seeks approval to the change of use, erection of first floor extension and alterations to convert an existing detached double garage to a detached one bedroomed dwelling. The application site relates to a garden and detached double garage on land to the rear of no. 92 James Street. Whilst Highways Officers did raise initial concerns over the loss of off-street parking for no. 92 James Street, amended plans have now been submitted which show the provision of 2 off-street parking spaces to the rear of no. 92 and the proposed new dwelling, thus providing 1 off-street parking space for each property. Officers deem this to be acceptable and in accordance with the Kirklees Highways Design Guide SPD.

Taking the above into consideration, it is concluded that the scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, Principles 12 and 19 of the Housebuilders Design Guide SPD and Chapter 9 of the NPPF.

5 – Other Matters:

Biodiversity

Paragraphs 185, 186, 187 and 188 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Principle 9 of the Housebuilders Design Guide SPD is also of relevance.

The application site is located within a Bat Alert Area and the proposals relate to the conversion of an existing structure, which also includes alterations to the existing roof. Given the nature of the development the Council's Ecology Officer was consulted. Firstly, they requested the submission of a Bat Survey,

this report detailed that the survey undertaken at the site determined likely absence of roosting bats and as such, the proposals are unlikely to result in any negative impacts on protected species. Nevertheless, in the interests of providing a biodiversity enhancement at the site, the Council's Ecology Officer requested a condition, should planning permission be granted, which requires the integral installation of 2 new bat boxes (Vivara Pro UK (or similar)).

Subject to the above condition, the proposals are considered to accord with Chapter 15 of the NPPF, LP30 of the Kirklees Local Plan and Principle 9 of the Housebuilders Design Guide SPD.

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.

Principle 18 of the Housebuilders Design Guide sets out that new proposals should contribute to the Council's ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their reliance on sources of non-renewable energy. Proposals should seek to design water retention into proposals.

Furthermore, Local Plan Policy LP26 refers to renewable and low carbon energy and states that: *'renewable and low carbon energy proposals (excluding wind) will be supported and planning permission granted where the following criteria are met:*

a. the proposal would not have an unacceptable impact on landscape character and visual appearance of the local area, including the urban environment;

b. the proposal would not have either individually or cumulatively an unacceptable impact on protected species, designated sites of importance for biodiversity or heritage assets;

c. the statutory protection of any area would not be compromised by the development;

d. any noise, odour, traffic or other impact of development is mitigated so as not to cause unacceptable detriment to local amenity;

e. any significant adverse effects of the proposal are mitigated by wider environmental, social and economic benefits'.

The application is supported by a Climate Change Statement, this statement outlines that all materials of construction are to be sourced locally, and the building works carried out by local craftsmen. The perimeter walls and ceilings are to be lined with insulated plasterboard such as Kingspan TW65, with the new ground floor also being insulated. The dwelling is to have a condenser boiler installed and should be sufficient to heat the building. Given the above, it is considered that the proposed development would therefore comply with Principle 18 of the Housebuilders Design Guide SPD and Chapter 14 of the National Planning Policy Framework.

There are no other matters for consideration.

6 – Conclusion:

The NPPF has introduced a presumption if 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 proposed development would not constitute sustainable development and is therefore recommended for refusal.

Recommendation:

Refuse.

Decision Authorisation - Delegated Powers

Application Number: 2024/90017

Officer Recommendation: Refuse.

Reason(s) for Refusal:

1. The proposed development by reason of its scale and design, alongside the excavation works required to provide off-street parking for the new dwelling, would introduce an unsympathetic, incongruous and overly prominent feature, which disrupts and detracts from the setting and significance of adjacent Grade II Listed Buildings, specifically nos. 86-90 James Street, and would cumulatively have a harmful impact on, and fail to preserve, the character or appearance of the Golcar Conservation Area.

2. The harm is considered to be less than substantial, however, as required by paragraph 205 of the National Planning Policy Framework, great weight has been given to that harm in assessing the impact of the proposed development. Public benefits have not been demonstrated that would outweigh the harm caused in this case. The development would therefore be contrary to the Council's duties under Sections 66(1) and 72(1) of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990, Policies LP24 and LP35 of the Kirklees Local Plan, Chapters 12 and 16 of the National Planning Policy Framework and Principles 2 and 14 of the Housebuilders Design Guide Supplementary Planning Document.

Plans and specifications schedule:-

Plan Type	Reference	Web ID	Date Received
Plans, Elevations and Views as Existing and Proposed	2334-01	A	22nd May 2024
Design and Access and Heritage Statement – Supporting Information	-	-	16th January 2024
Images of stone wall (garage) – Supporting Information	-	-	19th April 2024
Bat Survey Report – Supporting Information	MBE/BAT/2024/032/01	-	19th April 2024
Appendix A Climate Change Statement – Supporting Information	-	-	15th January 2024

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. Amendments were sought in

respect to the overall scale and design of the dwelling and window arrangements in the interests of visual amenity. It was also requested that an additional parking space be provided to ensure that sufficient off-street parking could be provided for both the host dwelling (no. 92 James Street) and the proposed new dwelling. The Council's Ecology Officer also requested the submission of a Bat Survey.

Report Dated:

18th September 2024.