

**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:	2024/62/90142/W
Site Address:	2, 4 & 6, Thornton Lodge Road, Thornton Lodge, Huddersfield, HD1 3JQ
Description:	Alterations to front, side and rear elevations
Recommending Officer:	Laura Yeadon

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: 22nd March 2024

Officer Report

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024%2f90142>

Site Description

2, 4 & 6 Thornton Lodge Road are two storey buildings which were former dwellings which more recently have been used as a restaurant with residential flat at first floor which spans over No's 2 and 4. The unit is currently vacant at ground floor level. The building is terraced and has a stone frontage. Parking spaces are marked out to the front of the building with double yellow lines immediately beyond the parking area. The submitted details indicate that the first floor of the property number 2 and 4 are occupied as existing as a 4 bedroom flat.

The property is located within the defined Local Centre of Thornton Lodge and is surrounded by a mixture of commercial and residential properties.

Description of Proposal

The application is for alterations to the front, side and rear elevations following the recent approval of details for a Prior Notification for change of use from shop/restaurant to three dwellings under application number 2023/92373.

Officer Note – the application has been submitted with details relating to bin storage areas and noise information as required by conditions in the previous approval. Whilst these details have been submitted, they do not form part of the assessment of this application and are being considered under application 2024/90291 for a discharge of condition application.

As part of this application it is proposed that the existing ground floor large openings and associated shutters and doorways would be removed and replace with openings with a more domestic/residential appearance. All 3 no. units would have ground floor front elevation openings comprising of a centrally located door with windows to either side.

To the side elevation it is proposed that the existing door would be enlarged and to the rear of the property it is proposed that roof lights would be inserted into the roof slope of the single storey projection.

The plans also indicate that the existing flue would be removed.

History of negotiations/amendments received

No negotiations have taken place with the applicant/agent due to the application being acceptable in its submitted format.

Relevant Planning History

No. 2

2003/92669 Change of use of shop to hot food take-away
Conditional Full Permission

No. 2/4

1987/04060 Alterations to form 3 no. shop units and self contained flat
Granted Conditionally

1994/93273 Installation of security shutters
Refused

2019/94103 Installation of flue
Refused

2003/92979 Erection of extension to shop. Alteration to shop front and installation of security shutters
Conditional Full Permission

No. 4

2003/95227 Change of use of butchers shop to hot food takeaway
Conditional Full Permission

No's. 2-6

2014/93357 Alterations to form 1st floor flat and 5 bedroom student accommodation and installation of new shop front and security shutters
Conditional Full Permission

2015/92915 Conversion and alterations to form 1st floor self-contained flat and 4 bedroom student accommodation, new shop front and security shutters (modified proposal)
Conditional Full Permission

2023/90384 Prior notification for change of use from shop/restaurant to 3 dwellings
Refused

2023/91469 Prior notification for change of use from shop/restaurant to 3 dwellings
Refused

2023/92737 Prior notification for change of use from shop/restaurant to 3 dwellings
Details Approved

2024/90291 Discharge of conditions 4 and 5 on previous permission number 2023/92737 for prior notification for change of use from shop/restaurant to 3 dwellings
Under consideration – not yet determined

No. 6

1994/91626 Change of use of dwelling to shop and takeaway with flat over
Refused

1994/92646 Change of use of dwelling to shop with flat over
Conditional Full Permission

1995/92115 Alterations to form external access and stairs
Conditional Full Permission

1995/93479 Formation of access to cellar and external staircase to rear
Conditional Full Permission

2000/92838 Change of use of dwelling to shop
Conditional Full Permission

2003/90400 Installation of new shop front and security shutters
Refused

2003/91382 Installation of new shop front and security shutters
Conditional Full Permission

Representations

We are currently undertaking the legal 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.

Final publicity date expired 7th March 2024

Parish/ Town Council – not applicable

As a result of the public consultation period no representations have been received.

Consultation Responses

None required

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 without notation on the Kirklees Local Plan.

Kirklees Local Plan:

- **LP 1**– Achieving sustainable development
- **LP 2** – Place shaping
- **LP 24** – Design
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 53** – Contaminated and unstable land

Supplementary Planning Documents:

- House Extensions and Alterations SPD

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 & coastal change.
- Chapter 15 – Conserving and enhancing the natural environment

Legislation

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).

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. LP1 goes on further to stating that:

“The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy LP2 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design, including the adopted Kirklees Supplementary Planning Document on House Extensions (SPD). Although the application has been submitted as a ‘full’ application – as the properties are not currently in residential use – the principle of such a use has been approved. Thus the SPD is considered of relevance in the assessment of this application.

Within the adopted SPD, Key Design Principles 1 and 2 are relevant to the consideration of the principle of the development & visual amenity and are considered within the following report. These policies state the following:

- Principle 1 – that “extensions and alterations to residential properties should be in keeping with the appearance, scale, design, and local character of the area and the street scene.”
- Principle 2 – that “extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and detail.”

With specific regard to the House Extensions and Alterations SPD the other key designs principles for consideration are:

- Key design principle 3: Privacy

- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 12: Natural environment
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

The above listed policies and guidance within the SPD are taken into account within sections below of this report.

2 – Impact on visual amenity:

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

The proposed works are to alter the fenestration details to the front, side and rear elevation of the buildings to facilitate the development approved under application number 2023/92737 for the prior approval of change of use of shop/restaurant to 3 dwellings.

In terms of the impact of the proposed works on the street scene, the existing shop fronts and entrances would be removed with the openings walled up from matching stone and domestic doors and windows inserted. The resultant visual impact would be a terraced row of residential dwellings which would be in keeping with the attached and facing dwellings. Whilst the character of the properties would change due to the removal of the shop fronts and entrances and the replacement works, as the properties would be within an area of both commercial and residential dwellings, the proposals would have an acceptable impact on visual amenity.

The works to enlarge the side elevation opening and the insertion of the roof lights within the rear extension are considered to be minor works with little impact on the street scene due to the siting.

The works are considered to relate satisfactorily to the host building and have an acceptable impact on visual amenity, in accordance with the requirements of policies LP1, LP2 & LP24 of the Kirklees Local Plan, having regard to principles 1, 2 and 9 of the Supplementary Planning Document on House Extensions (SPD) and policies within Chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. Key Design Principles 3 and 4 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers.

There is an existing residential unit within the first floor of the property and the new window and door openings would not involve extending the footprint of the building. As such, there are minimal concerns regarding overshadowing or being overbearing.

Whilst habitable room openings would be created at ground floor level within the front elevation, there are existing openings to the first floor flat. As such, there would be no decrease in established separation distances. The created openings would be separated from the facing dwellings by approximately 21 metres and therefore would meet the requirements of the SPD in terms of Key Design Principle 3 and privacy.

The opening within the side elevation would enlarge an existing opening and the rooflights within the rear extension are not considered to cause undue harm to 3rd parties beyond the application site. Any limited impact from overlooking would likely be into the application site and not from the application site.

Therefore, it is considered that the proposed works are acceptable in terms of residential amenity. It is considered there will be no significant impact on neighbouring properties, in terms of overshadowing, overbearing or overlooking, and the proposal would accord with the aims of policies LP1, LP2 & LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations Supplementary Planning Document as well as policies within chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

In this case the assessment of the impact of the conversion of the properties has already been assessed under the previous application and was considered to be acceptable. It was considered that there was adequate off-street parking to all three units and that the traffic generation would not likely be more intense than the use of the building as a restaurant. In addition, it

was considered that the location of the dwellings would be in a sustainable location.

Details in relation to bin storage forms part of an application to discharge an imposed condition (2024/90291).

5 – Other matters:

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

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

Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development.

Biodiversity –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 application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance. This is due to the limited extent of alterations in a brightly lit urban area.

Whilst the roof of the rear extension would be impacted on with the insertion of the roof lights, as this is at single storey height and a later addition to the property, it is unlikely that bats would be present in this section of the property.

Coal legacy – The site is located within the Coal Authority’s “Development Low Risk Area”. There is no statutory requirement to consult the Coal Authority regarding development within the “Development Low Risk Area”, instead an informative note can be appended to the decision notice which constitutes the deemed consultation response. The application site falls within an area at low risk of ground movement as a result of past mining activities as determined by the Coal Authority. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority’s standing advice is provided with any grant of approval. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with Chapter 15 of the National Planning Policy Framework.

6 – Representations:

None

7 – Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government’s view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2024/90142

Officer Recommendation: Approve

Conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

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 with Policies LP1, LP2, LP24, LP51 and LP53 of the Kirklees Local Plan, principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 16 and 17 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations and to accord with Policies within Chapters 2, 4, 12, 14 and 15 of the National Planning Policy Framework.

3. The external walling materials used for alterations to the elevations of the property hereby approved shall in all respects match those used in the construction of the existing building.

Reason: In the interests of visual amenity and to accord with Policies LP1, LP2 and LP24 of the Kirklees Local Plan, Key Design Principles 1, 2 and 9 of the House Extensions and Alterations SPD and advice within the National Planning Policy Framework.

NOTE: The Council's GIS system indicates that the property is within a bat roost area and may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan and street scene elevation	2304-01		26 th January 2024
Location plan, existing elevations and floor plans	2304-01		26 th January 2024
Proposed elevations and floor plans	2304-02- Rev: A		25 th 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 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 did not undertake any negotiations with the applicant due to the application being acceptable in its submitted format.

Report Dated: 20th March 2024

Coal – low