

**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:	2024/62/90155/W
Site Address:	53, New Hey Road, Marsh, Huddersfield, HD3 4AL
Description:	Conversion of one dwelling to two 2 bedroomed flats
Recommending Officer:	Tom Hunt

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: 4th April 2024

Officer Report

Site Description

2024/90155 – 53, New Hey Road, Marsh, Huddersfield, HD3 4AL

The application site relates to a three-storey building with accommodation in the roof. It is to the rear of no. 51 which is part of a terraced row of large properties with substantial front and rear amenity spaces including off-street parking. Those have been subdivided into flats. It is faced with cream paint over blockwork and pitched roof.

It has access via a private driveway from New Hey Road, a large rear amenity space with a hard surfaced area and three, detached, single-storey outbuildings. The area is predominately residential with New Hey Road/Acre Street Local Centre nearby.

Description of Proposal

Conversion of one dwelling to two 2 bedroomed flats

It is proposed to convert four floors into two self-contained, 2 bedroomed flats.

Flat One:

This would use the existing southwest entrance from lower ground floor with open plan kitchen/lounge to lower ground, and 2 bedrooms, bathroom, and storage to the ground floor. The bedrooms will be approximately 11.5sqm in floor areas and would offer 71sqm of gross internal space including built in storage.

Flat Two:

This would use the existing northwest entrance at ground floor with stairs to the first floor. This would have a lounge, kitchen and bathroom to first floor. Two bedrooms and a toilet will be in the second/'top' floor. Bedroom one would be 16.5sqm and bedroom two would be 13sqm. This would offer 81 sqm of gross internal space including built in storage.

Parking and bin storage has not been set out in plans however the existing driveway and hard surfaced area provides sufficient space for 4 off street parking spaces and bin storage.

No external alterations are proposed. All rooms have windows.

Officer note: Proposed floor plans are modestly out of scale by 0.1m however they provide sufficient indication of expected floor space for each flat to assess amenity. Sufficient information has been provided regarding existing floor plan use in the Estate Agent Brochure.

History of negotiations/amendments received

The case officer considered the application on review and sought no amendments as it met LP policies on visual and residential amenity.

Relevant Planning History

None for the site.

No recent planning history for neighbouring properties.

2011/91729 4AL	Location: 49, New Hey Road, Marsh, Huddersfield, HD3 Change of use of existing house in multiple occupation to 3 no.apartments. Conditional Full Permission. Officer note: this application was used for assessing impacts on residential amenity.
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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, which had a final expiry date of 12/03/2024.

No representations have been received.

Consultation Responses

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

- Highways Development Management – Not received at the time of the report preparation. Reviewed in the Highway Safety section of the report.

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 land for development on the Kirklees Local Plan. It is not within a bat alert area. It is within flood zone 1 and not in an identified land contamination area.

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 21 – Highways and access**
- **LP 22 – Parking**
- **LP 24 – Design**

Supplementary Planning Guidance and other considerations

- Highways Design Guide SPD
- Housebuilders Design Guide SPD (2021)
- Nationally Described Space Standards
- Waste Management Design Guide for New Developments (Oct 2020, v.5)

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

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:

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.

The Principles in the Housebuilders Design Guide SPD and LP24b) of the Kirklees Local Plan have been used as a guide in considering the proposal's residential amenity impact. No external alterations are proposed to be considered under the Principles of the SPD and other sub clauses of LP24 of the Kirklees Local Plan.

With regard to intensification of residential occupation through subdivision of existing housing, the area exceeds the desired target density of 35 dwellings per hectare set within LP7 of the Kirklees Local Plan. In this instance, the proposed minor intensification of two households within the property could be adequately supported by frequent public transport links and proximity to the adjacent Local Centre. In addition, it has a large rear garden for the occupants' use to offer adequate outside amenity space. It could therefore be considered a very sustainable location for new residential development without undue effects on future occupants' amenity. In terms of parking being adequate, this is discussed in the highways section of this report.

As such it could be concluded that the proposal would make use of existing housing stock making efficient use of existing buildings compliant with LP7 of the Kirklees Local Plan and Chapter 11 of the National Planning Policy Framework without undue impact on existing land use or sustainability.

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) ; 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.

The proposal would have a minor benefit in housing supply.

2 – Impact on visual amenity:

In terms of visual amenity, as previously discussed, the proposal would not have any external alterations to be assessed under policy.

The proposal is therefore regarded as acceptable for permission in this regard as it would have a neutral impact on the visual amenity of the area and be acceptable and accord with Policy LP02 and LP24 of the Local Plan, the Principles within the Housebuilders Design Guide SPD and Chapter 12 of the NPPF.

3 – Impact on residential amenity:

Section B of Policy LP24 of the Kirklees Local Plan requires that proposals should provide a high standard of amenity for future and neighbouring occupiers including appropriate distances between buildings.

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.

Principle 6 of the SPD sets out that proposals *“must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.”*

This is achieved through recommended minimum separation distances between windows in this instance. The proposal would have no alterations to existing windows and therefore would have a neutral impact on neighbouring properties in this regard.

The closest neighbouring property that could be affected is no. 49 which is subdivided into flats and has a similar rear projection to no. 53 with secondary windows to the side elevation facing the proposed site.

The side elevation flat windows serve the lounge at lower ground, a bathroom at ground floor and a landing at first and second floors at close proximity to the neighbouring side elevation. Council records of the neighbouring property's layout indicate that their side elevation windows closely mirrors the host's own, except that the lower ground window would face the proposed lounge window and that there is no side elevation window to the second floor. The ground floor bathroom window would mirror an existing ensuite so as to ensure privacy for both occupants, Officers recommend a condition to have this obscurely glazed. The first floor window serving the landing would face the neighbouring bedroom's ensuite wall and would have limited views, it is proposed that this would have no significant alteration in the existing

relationship between properties in terms of overlooking or loss of privacy and would not require a condition to have this obscurely glazed to make this proposal acceptable.

Other Residential Properties

It is considered that the proposed development would be sited a sufficient distance away from any other neighbouring properties not referred to above 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, the Kirklees Housebuilders Design Guide SPD is used as a guide on the following: Principle 16 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.”* 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 would offer one ground level flat which would have a minor undersupply of internal space for future occupants. In this instance, this is counterbalanced by the generous proportions of the double bedrooms supported by the large outside amenity space to the south offering sufficient amenity space for those occupants. Flat two would comply with NDSS for internal living space and would also benefit from a generous, south facing outside amenity space. On balance, both those flats would have an acceptable standard of living arrangements for residential amenity with functional and proportionate outside spaces.

Subject to the recommended condition on obscure glazing, the proposal would therefore be in general conformance with LP24b of the Kirklees Local Plan, Principles 16 and 17 of the Housebuilders Design Guide SPD and Chapter 12 of the NPPF.

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 2-3 bedroom dwelling it should have a minimum of 2 off street parking spaces to achieve this aim and it is proposed to have two 2-bed flats with 4 off street parking spaces to adequately serve the intensification of the building for

two households. In addition, the proposal would have sufficient external space within the plot to have bin arrangements remain as existing.

As previously mentioned, the site is in a very sustainable location with close access to frequent public transport, and services, amenities and facilities within the Local Centre to support car free travel.

The proposed development therefore would not cause additional harm to highway safety. This would comply with Policies LP21 and 22 of the Kirklees Local Plan, 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.

It is recommended to add an informative to the Decision Notice regarding provision of Electric Charging Vehicle Points for the proposal following the material change of use from one dwellinghouse to two dwellinghouses. It would be the applicant's responsibility to ensure that they have complied with Building Regulations in this instance.

6 – Representations:

No representations had been received.

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

Application Number: 2024/90155

Officer Recommendation: Approve

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 to accord with Policies LP01, LP02, LP07, LP21, LP22 and LP24 of the Kirklees Local Plan, the Principles within the Housebuilders Design Guide SPD, and Policies within Chapters 2, 4, 5, 9, 11, 12 and 14 of the National Planning Policy Framework

3. The ground floor bathroom window in the southeast side elevation, shall be non-opening or top-opening only and shall be fitted with obscure glass to give a grade 5 degree of obscuration before the development is first brought into use. Notwithstanding the provisions of section 55(2) (a) (ii) of the Town and Country Planning Act 1990 and Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Act or Order with or without modification) this window shall thereafter be so retained in obscure glass.

Reason: So as not to detract from the amenities of the adjoining dwelling unit at the ground floor of no. 49 New Hey Road by reason of loss of privacy and to accord with policies LP24b of the Kirklees Local Plan, Principle 6 of the

Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

FOOTNOTE: Building Regulations (2021 edition) control the provision of Electric Vehicle Charging Points for new residential buildings under Approved Document S 'Infrastructure for the charging of electric vehicles'. Building work must meet all relevant requirements of the Building Regulations. To comply with the Building Regulations, it is necessary both to follow the correct procedures and meet technical performance requirements for building work to be found acceptable.

FOOTNOTE: Whilst the grant of planning permission is given, the applicant should be aware that Planning Permission does not override legal covenants on properties or Private Rights of Way as these private matters fall outside the remit of the Local Planning Authority. Applicants are reminded that they ensure that the relevant land ownership should be respected and that that the works carried out is lawful.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan.	Planning Portal Reference: PP-12377793v1.	Unamended	24/01/2024
Supp Info – General	Estate Agent Brochure	Original	22/01/2024
Proposed Floor Plans	Lower Ground Floor Plan.	Unamended	22/01/2024
Proposed Floor Plans	Ground Floor Plan.	Unamended	24/01/2024
Proposed Floor Plans	First Floor Plan.	Unamended	24/01/2024
Proposed Floor Plans	Second Floor Plan.	Unamended	24/01/2024
Climate Change Statement	-	-	24/01/2024

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 considered the application on review and sought no amendments as it adequately met Local Plan policies on visual and residential amenity.

Report Dated: 04/04/2024

