

Application to Vary Condition 9 of Planning Permission 93/04199

59 Cliffe Street

Dewsbury

WF13 1RD

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Mubeen Patel



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Prepared By: Mubeen Patel BA (Hons) MTPI MRTPI

Planning Consultant



 [07850 595458](tel:07850595458)

 support@planningmanagement.co.uk

West Yorkshire Office: Batley Business Park, Technology Drive, Batley, WF17 6ER



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1.0 INTRODUCTION

This Statement accompanies an application to vary condition 9 of planning application referenced '93/04199', approved on 19th November 1993 – 'Erection of 20 Dwellings and Garages'. As part of the above approval, condition 9 was stipulated on the decision notice. The condition reads;

- 9) *Notwithstanding the provisions of the Town and Country Planning General Development Order, 1988, permitted development rights are withdrawn for the conversion of integral garages on plots 1-17 and 20 -21.*

Reason: In the interests of the free and safe use of the highway.

In relation to the above condition, the conversion of the integral garage at No. 59 Cliffe Street (Plot 10) has commenced and is almost complete, therefore this is a retrospective application. The applicant unfortunately was incorrectly advised that the conversion and external changes to the garage could take place at the property without the requirement of planning permission. Advice during the sales process did not highlight the removal of Permitted Development Rights for the conversion of the garage. Given the works on site a Breach of Condition Notice has been served by Kirklees Council.

The applicant who is a single parent and lives with her children has made the changes as the family requires further habitable space for her growing children who need separate space for their play and study. In addition, the existing housing market and cost of living does not allow the applicant to move to other larger houses in the local area, this would also disrupt the existing social lives and schooling for the children.

As such, the applicant would like to continue the use of the garage as a habitable room. This statement considers the impact on visual amenity and highways safety and concludes that the proposed changes have minimal impact by virtue of the conversion.

2.0 APPLICATION SITE

The application site relates to a three storey mid terraced property located in Dewsbury. The property is part of a development constructed in the 90s for 20 dwellings. The dwellings as part of the development vary with three storey town houses with integral garages at ground floor on the northern side of Cliffe Street, and part single, part two storey dwellings to the southern side of Cliffe Street. It should be noted that the land levels through the site gently fall from north to south.

As part of the original permission two car parking spaces were provided for the 3-bedroom town houses, one space on the drive, and the other parking space within the integral garage.

The application site is constructed of artificial stone with three mullioned windows at first and second floors. The roof is dual pitched. A small porch is provided to the front. Private amenity space is provided to the rear of the dwelling. Directly to the rear of the dwelling is Caulms Wood Road which leads to Caulms Wood Park.

The property is positioned within a residential street and within a short walking distance of the town centre of Dewsbury to the south, and a large public car park. The Councils allocation plan shows that the site is within the settlement boundary but otherwise unallocated.



Above: The above aerial view shows the location of the site within a small cul de sac.



Above: Approved Site Plan (93/04199) indicating the application property within the wider 20 dwelling development.

3.0 PROPOSED VARIATION OF CONDITION

This proposal takes into consideration the issues of visual amenity and highways safety, and it also provides information of how the garage in question is no longer usable since its approval 20 years ago. The changes externally include the removal of the garage door and its replacement with an exterior wall and a three pane window with mullions and stone surrounds.

Given the conversion and external changes proposed, this application proposes the following variation;

‘Notwithstanding the provisions of the Town and Country Planning General Development Order 1995, permitted development rights are withdrawn for the conversion of integral garages on plots 1-9, 11-17, and 20 -21.

Reason: In the interests of the free and safe use of the highway.

The above variation of condition does not include plot 10 (application property No.59 Cliffe Street). Given the assessment below, Condition 9 of the approved application ‘93/04199’ should be supported and subsequently varied.



Original front elevation of 59 Cliffe Street (Plot 10) with integral garage and drive to front.

4.0 HISTORY

A planning history check has been undertaken online for the site which garnered no results.

5.0 RELEVANT PLANNING POLICY

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that decisions should be made in accordance with the development plan unless material considerations indicate otherwise.

5.2 The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019). It states that 'Our vision needs to consider what Kirklees should be like in the future if the needs and aspirations of those who live, work in or visit Kirklees are to be met whilst retaining the characteristics that make it attractive and distinctive. It also needs to be flexible to allow us to respond to future challenges in a way that is right for Kirklees and its residents and businesses.'

5.3 The statement vision for Kirklees is that people will have access to a range of local facilities including services, health-care and education provision, and adequate infrastructure. Places will be well-connected encouraging sustainable travel including increased opportunities for walking and cycling and improved links to other parts of the Region and beyond.

5.4 The following Local Plan policies have relevance to the proposal:

5.5 **LP 1 – ACHIEVING SUSTAINABLE DEVELOPMENT**

LP 2 – PLACE SHAPING

LP21 – HIGHWAY SAFETY

LP 22 – PARKING

LP 24 - DESIGN

5.6 The NPPF clearly states 'that the purpose of the planning system is to contribute to the achievement of sustainable development' (paragraph 7). Paragraph 11 confirms that 'in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development'. Paragraph 10 states that a presumption in favour of sustainable development is at the heart of the NPPF.

5.7 The general perspective of the NPPF is that planning should proactively drive growth and support sustainable economic development. It also states that planning should make effective use of land by reusing land that has been previously developed and sets out a presumption in favour of sustainable development. The government is committed to ensuring that the planning system does everything it can to support sustainable economic growth.

- 5.8 Paragraph 135 of the NPPF states that 'Planning policies and decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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.

National Planning Practice Guidance (NPPG)

The government published its NPPG on 6 March 2014. This is intended to complement the NPPF and to provide a single resource for planning guidance, whilst rationalising and streamlining the material. Almost all previous planning Circulars and advice notes have been cancelled. Specific reference will be made to the NPPG or other national advice in the Analysis section of the report, where appropriate.

6.0 ASSESSMENT

Residential Amenity

The proposed development includes the removal of the existing garage door and its replacement with a 3-pane window separated by stone mullions. The window surrounds have been filled with artificial stone.

In terms of the design of the alterations, the installed 3 pane window would match existing windows on the front elevation of the property. In addition, these would align with the upper floor windows of the dwelling. Overall, the window installed in terms of the materials used, its size, and fenestration matches those on the existing dwelling and is well designed. The proposed external alteration therefore does not appear of poor quality and out of character in this location.

The proposed removal of the garage door and installation of a window to a habitable room would result in an increased outlook from the property. However, it is considered that the positioning of the window which would retain similar distances to neighbouring properties opposite than those windows on the upper floors of the dwelling would not be harmful or create overlooking that would be significantly more than existing.

Given the above, the proposed conversion of the garage to a habitable room, and external alterations by removal of the garage door and replacement of windows, by virtue of the design, materials and positioning would maintain visual and residential amenity within the street and would be in accordance with policies of the Kirklees Local Plan and National Planning Policy Framework.



Proposed front Elevation
(Retrospective).

Highways

The property consists of three bedrooms, and originally provided two car parking spaces, one on the drive and the other within the integral garage. However, given the proposed conversion of the garage to a habitable room, this leaves the dwelling with one car parking space.

Kirklees Council has not set local parking standards for residential and non-residential development. Government's policy on parking is set out in the National Planning Policy Framework. Paragraph 111 of the NPPF states that when setting local parking standards for residential and non-residential development, policies should take into account:

- the accessibility of the development;
- the type, mix and use of development
- the availability of and opportunities for public transport;
- local car ownership levels; and
- the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.

In terms of accessibility of the dwelling, it is located within a 2 minute walk of Dewsbury town centre, and therefore in a good accessible location. The town centre provides regular buses, a Bus Station and a Train Station. Furthermore, given its positioning, local amenities such as shops, food outlets, and convenience stores are easily accessible without the need to use a car.

It is acknowledged that Cliffe Street is not a wide road, and parking on street could lead to potential highways issues, however this would be very much limited given the street is a cul de sac and therefore is only used and accessed by the limited number of residents that drive past the applicants dwelling. A second car could easily be parked on the many available public spaces along this highway, visitor car parking spaces are provided between every fourth house on Cliffe Street and which are available the majority of times.

In addition to the above, the applicant, like many other homeowners on this street do not use the integral garage to park their cars, this is due to the limited width of the garages which do not allow for the nowadays large modern vehicles to effectively fit and for a door to open and the driver to step out once a vehicle is parked in the garage. As such many residents already use the highway to park their second car. The garages are used for storage in most cases.

In terms of the personal consideration and ownership of cars within the household, the applicant is a single mother who only has use of one car. Nevertheless, when she does have family or visitors who are staying for long periods of the day, they park in the Councils Cliffe Street Car Park directly to the south.

The Council should have regard to, amongst other things, the small scale of the development in this sustainable location, the setting of the dwelling amongst widely available modes of transport, the levels of public transport accessibility and opportunities for walking and cycling in the area.

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 (Para 115 NPPF)**, in this instance given the accessibility of the development, the availability of and opportunities for public transport to be used, positioning of the large Council car park adjacent, and that the applicant only owns one vehicle, the highways impact is not considered to be severe.



The green arrow shows the distance (211m) from the application site to Dewsbury town centre, as such the dwelling is in an accessible location where different modes of transport other than the car are available and can be used.

The Councils Cliffe Street Car Park is located a short walking distance to the south of the dwelling and where existing and future visitors can park.

7 CONCLUSION

It has been demonstrated that the proposed development can be carried out in full compliance with the Council's policies in the Local Plan and the National Planning Policy Framework. The development would be a good quality development which would provide the homeowners much needed space for her children in this close to town centre location without creating a significant detrimental impact on the amenity of the local residents by way of visual amenity and highways safety and should be approved.

Therefore, the proposal to vary condition 9 is evidenced and justified and would continue to protect the amenities of nearby residents, in accordance with policies in the adopted Local Plan and the NPPF.

Given the above, the application should be approved without delay.