

**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:	<b>2024/62/90780/W</b>
Site Address:	37, Upper George Street, Springwood, Huddersfield, HD1 4AW
Description:	Change of use from single dwellinghouse (C3) to Sui Generis HMO, shared accommodation for students and professionals with erection of single storey rear extension (within a Conservation Area)
Recommending Officer:	Lucy Taylor

**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.**

Julia Steadman

***AUTHORISED OFFICER***

**Date:** 02/07/2024

## **Officer Report**

**Reference:** 2024/90780

**Location:** 37, Upper George Street, Springwood, Huddersfield, HD1 4AW

**Proposal:** Change of use from single dwellinghouse (C3) to Sui Generis HMO, shared accommodation for students and professionals with erection of single storey rear extension (within a Conservation Area)

### **Site Description.**

37 Upper George Street is a two-storey mid-terrace property, with accommodation at basement level and in the roof served by a dormer and velux windows. The external walls of the property are faced in stone, with a natural slate gable roof above. The property does not benefit from any on-site parking. Outdoor amenity space is located to the rear of the property.

The property of 37 Upper George Street shares a strong sense of similarity with other properties in the vicinity, whereby they share the same style of design and construction, terrace and faced in matching external materials.

The site is located within the Springwood Conservation Area and is located within close proximity to Listed Buildings, with the closest approximately 13 metres away (No. 31 Upper George Street).

### **Description of Proposal.**

Planning permission is sought for the change of use of 37 Upper George Street from a single dwellinghouse to HMO with the erection of a single storey rear extension.

#### *Single Storey Rear Extension:*

The single storey rear extension would have the following dimensions:

- Projection / Length – 3 metres
- Width – 5 metres
- Height – 3 metres

Fenestration detailing would consist of a window to the rear elevation.

#### *Conversion of House to Multiple Occupation:*

The alterations to convert the dwelling would create the following accommodation at each level:

- Basement floor – kitchen / dining, utility room and bathroom.
- Ground floor – 3 ensuite bedrooms and 1 bedroom.

- First floor – 4 ensuite bedrooms.
- Loft floor – 1 ensuite bedroom and a living room.

### **History of Negotiations / Amendments Received.**

The case officer sought amended plans, to include the single storey rear extension on the proposed plans rather than the existing plans. The description of proposal was amended from originally submitted, to include the single storey rear extension.

As a result of the above, the application was re-advertised via second neighbour notification letters, a second site notice and a second press notice.

The case officer also sought amended plans with regard to the internal layout of the scheme, to reduce the number of bedrooms and to include a living room at loft level, for reasons of securing higher levels of residential amenity for future occupiers. As a result of this amendment, the description of proposal was amended, to remove reference to the number of tenants.

Given that these amendments regard the interior layout of the building and seek an overall reduction in the number of bedrooms, it was not considered necessary to readvertise the application as a result of their submission.

### **Relevant Planning History.**

- 2023/92795 – Erection of single storey rear extension and alterations to convert existing dwelling into House of Multiple Occupation. *Refused 14<sup>th</sup> December 2023.*

Reasons for refusal of application 2023/92795:

1. The proposed extension by reason of its design, scale and massing would fail to be subservient to the original dwelling and would appear an incongruous addition to the host dwelling, which would, in turn, harm the character and appearance of the dwelling and the character of the wider streetscene. The proposal would therefore be contrary to Policy LP24 (a) and (c) of the Kirklees Local Plan, Key Design Principles 1 and 2 of the Kirklees House Extensions and Alterations Supplementary Planning Document and national Policy set out in Chapter 12 of the National Planning Policy Framework.
2. Given the size, scale, design and prominent sitting of the proposed extension, the development would have an unacceptable impact upon the heritage significance of the Springwood Conservation Area. No public benefits are considered to exist to outweigh the less than substantial harm. The development would be contrary to Policy LP35 of the Kirklees Local Plan and Policies within Chapter 16 of the National Planning Policy Framework as well as the requirements of The Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990.

3. The proposed extension, by virtue of its scale, design and siting in relation to shared boundaries, would lead to a detrimental overshadowing and overbearing impact to the occupiers of No.'s 35 and 39 Upper George Street. Furthermore, the west facing windows to the bedrooms would overlook the private amenity space of No. 39 Upper George Street at close quarters. Therefore, the proposal would fail to retain a high standard of amenity for existing occupiers of these neighbouring dwellings contrary to Policy LP24(b) of the Kirklees Local Plan, Design Principles 3, 4, 5 and 6 of the Kirklees House Extensions and Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.
4. The proposed development would present poor standards of amenity for future occupiers, by reason of the size of the bedrooms, the limited outlook from bedrooms to the second floor served by roof lights, outlook and daylight provision to the shared habitable cinema room within the cellar and level of outdoor amenity space which would be provided. Therefore, the development would be contrary to paragraph 130(f) of the National Planning Policy Framework, principles 3, 4, 5, 6 & 7 of the Council's adopted House Extensions and Alterations SPD and policy LP24(b) of the Kirklees Local Plan.

### **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 a site notice, neighbour notification letters and in the press.

Final publicity date expired: 25 May 2024.

In response to publicity, four objections were received. These objections raised the following, summarised, concerns, which are considered to be material to the determination of the application (the objections can be viewed in full online):

#### *Highways:*

- Increased traffic congestion and potential safety hazards, especially considering the limited access with only one way in and out of the road.
- The addition of a House of Multiple Occupation in this location would undoubtedly exacerbate existing parking issues.
- With limited parking spaces available, the development could lead to further strain on the local parking infrastructure, affecting both residents and visitors.

Noise:

- Result in an increased number of residents and, consequently, heightened noise levels, which could affect the quality of life for existing residents.

### **Consultation Responses.**

**KC Environmental Health** – Raise no objection to the proposal, with the inclusion of an informative regarding construction site working times.

### **Policy/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).

The site is located within the Springwood Conservation Area and is located within close proximity to Listed Buildings, with the closest approximately 13 metres away (No. 31 Upper George Street).

The application site is located within an area identified by the Coal Authority as being at high risk of ground movement as a result of former mining activity.

### **Kirklees Local Plan:**

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP11 – Housing Mix and Affordable Housing
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design
- LP35 – Historic Environment
- LP51 – Protection and Improvement of Local Air Quality
- LP53 – Contaminated and Unstable Land

### **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 December 2023, together with Circulars, Parliamentary 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 8 – Promoting Healthy and Safe Communities
- Chapter 11 – Making Efficient Use of Land
- Chapter 12 – Achieving Well-Designed 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

## **Legislation:**

- The Town & Country Planning Act 1990 (as amended).
- The Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990.
- The Planning and Compulsory Purchase Act 2004.

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 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. This is echoed within policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

## **Assessment.**

The following matters are considered in the assessment below –

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

## 7) Conclusion

### 1) Principle of Development

Chapter 2 of the NPPF states that: *“Planning policies and decisions should play an active role in guiding development towards sustainable solutions...”*

Chapter 2 of the NPPF goes onto further state that objectives should: *“support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment...”*

In line with the NPPF, Policy LP1 of the Kirklees Local Plan (KLP) declares that: *“...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.”*

Policy LP1 goes further and states: *“The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”*

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. Policy LP24 of the KLP is relevant and states that *“good design should be at the core of all proposals in the district.”*

#### Housing Mix:

In this instance, LP11 of the Kirklees Local Plan is also relevant, as the scheme aims to convert existing dwelling into House of Multiple Occupation. The policy states that: *“all proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities in line with the latest evidence of housing need.”*

Chapter 11 of the NPPF states that planning decisions should promote the development of under-utilised land and buildings, but this must not be at the expense of creating developments that function well and add to the quality of the area as set out in Chapter 12.

### 2) Impact on Visual Amenity and the Historic Environment

#### Visual Amenity:

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) whereby paragraph 131 provides a principal consideration 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 decisions 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 with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:  
- *“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...”*

Principle 2 of the Kirklees 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.”*

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 designed to front on to 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 adaptations 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 houses two-storeys or above, there should normally be a minimum of a 2m distance from the side wall of the new dwelling to a shared boundary.

Principle 13 seeks to ensure consideration is given to use locally prevalent materials and finishing to reflect the locality.

Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties.

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 terms of design, the proposal seeks permission to erect a single storey rear extension to 37 Upper George Street. The dimensions of this single storey rear extension would be in keeping with the recommendations of the House Extensions and Alterations SPD with regard to projection and height and as a result, it is considered that it would appear as a subservient addition, that would be in keeping with the scale of the host terrace property and would retain a large extent of rear garden amenity space.

Officers note that the extension proposes a flat roof above and, whilst this would be contrary to the predominant style of the development within the locality, this design brings benefits in terms of reducing the overall bulk / massing from the extension, which in turn promotes benefits from a residential amenity perspective in terms of its impacts to neighbouring properties (discussed in the following section of this report).

Therefore, for the reasons above, it is considered that the proposed single storey rear extension would be in accordance with Chapter 12 of the NPPF, LP24 (a and c) of the Kirklees Local Plan and Principles 2, 5, 6, 13, 14 and 15 of the Housebuilders Design Guide SPD.

### Historic Environment:

The site is located within the Springwood Conservation Area and is located within close proximity to Listed Buildings, with the closest approximately 13 metres away (No. 31 Upper George Street).

Section 72 of the Planning (Listed Buildings & Conservation Areas) Act (1990) is relevant and requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area.

Section 66 of the Planning (Listed Buildings & Conservations Areas) Act (1990) states that, for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 66 and 72 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.

Policy LP35 of the Kirklees Local Plan 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.”*

As part of this application, the applicant submitted a D&A and Heritage Statement, which concluded the following: *“Following a review of the applicable policy for this application and all material considerations, it is our professional view that the development is in compliance with all applicable policies as above. The development is appropriate development that is not harmful to the character or appearance of the surroundings.”*

It is considered that the extension could be experienced within the context of the wider streetscene given its siting. However, given that the extension is considered to be a relatively small-scale addition and that, upon any grant of approval, a condition could be imposed to ensure it be constructed in materials to match the host property, it is not considered that the proposal would harm the heritage significance of the Springwood Conservation Area or any of the Listed Buildings located within the immediate vicinity of the site.

Whilst officer's note that the flat roof form is not directly in keeping with the design of surrounding architecture, given the relatively minimal height of the extension (3 metres) and the benefits of a flat roof in terms of reducing the overall potential of undue levels of bulk / massing, in the instance of this application, and based on the individual merits of the site and proposal sought, it is considered that a flat roof form is acceptable in this case with regard to the heritage significance of the site and surrounding area. Officers also note the benefits of a flat roof in this instance with regard to the residential amenity of neighbouring properties (discussed in the following section of this report).

Therefore, for the reasons set out above, it is concluded that the proposal complies with policies within Chapter 16 of the NPPF and Policy LP35 of the Kirklees Local Plan as well as the aforementioned legislation.

### **3) Impact on Residential Amenity**

Section B and C of LP24 states that alterations to existing buildings should: *“...maintain appropriate distances between buildings”* and *“...minimise impact on residential amenity of future and neighbouring occupiers.”*

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 users.

Principle 6 of the Housebuilders 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.

The text supporting Principle 6 of the Kirklees Housebuilder Design Guide SPD states set out recommended minimum separation distances for two storey properties, these being:

- 21 metres between facing windows of habitable rooms;
- 12 metres between windows of habitable rooms that face onto windows of a non-habitable room;
- for a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metres distance from the side wall of the new dwelling to a shared boundary.

*Impact on Surrounding/Neighbouring Occupants:*

The proposed single storey rear extension to 37 Upper George Street would be separated from the shared boundary with No. 39 Upper George Street by approximately 1 metre. Given this separation, the projection of the proposed extension and the relatively low maximum height with a flat roofing form, officers conclude that, whilst the extension would cut a line of 45-degrees across the nearest 1.8 metres of the rear elevation of No. 39 at ground floor level, this would not pose significant detriment to the occupiers of this neighbouring property with regards to levels of overbearing / overshadowing, given the siting of the closest habitable room window to the rear of No. 39.

The proposed single storey rear extension would be separated from the shared boundary with No. 35 Upper George Street by approximately 1.5 metres. Given this separation in conjunction with the projection of the proposed extension and relatively low maximum height with a flat roofing form, officers conclude that the extension would cut of a line of 45-degrees across the nearest 1.7 metres of the rear elevation of No. 35. However, given the positioning of habitable room windows to the ground floor rear elevation of No. 35, it is not considered that the extension would pose significant detriment to the occupiers of this neighbouring property with regards to levels of overbearing / overshadowing.

In light of the above, it is not considered that the proposal would result in any undue impacts of overbearing, overshadowing or overlooking for the occupiers of any neighbouring properties.

*Impact on 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 floorplans as proposed have been calculated to provide a gross internal floorspace of approximately 240sqm (roof height above 1.5m).

The Nationally Described Space Standards contain no specific standard for HMOs, nor for houses in excess of 6 bedrooms. However, Kirklees Council has its own amenity standards for Houses of multiple occupation, which can be found at the following link:

<https://www.kirklees.gov.uk/beta/housing/pdf/HMO-amenity-standards.pdf>.

Whilst it should be noted that this is not an adopted planning document and therefore carries limited weight in the determination of this application, it does provide a useful guide as to the standard of amenity that is considered acceptable for a HMO.

Section 8.1 of this document refers to two or more room units with cooking, living and sleeping facilities.

With regard to the size of bedrooms, this document sets out that each single bedroom should have an internal floor area of 6.5m<sup>2</sup> and that each double bedroom should have an internal floor area of 10.2m<sup>2</sup>.

The floor plans submitted show all bedrooms to be a single bedroom, other than bedroom 9 which is shown to be a double bedroom. The internal floor areas of the bedrooms are annotated on plan and the annotations demonstrate that each of the bedrooms are in accordance with the measurements as set out above. Upon any grant of approval, a condition shall be imposed to limit the overall number of occupiers to 10. This condition would be imposed to avoid the potential of overcrowding and to ensure that the shared accommodation shown on the submitted floor plans is appropriate for the level of occupancy.

Furthermore, officers note that all of the bedrooms are served by a window. Whilst the windows to serve bedrooms 2 and 4 have the potential to experience overshadowing from the proposed rear extension, given the communal living spaces also available within the building, it is not considered that this would result in an undue level of amenity for the future residents of these bedrooms. Upon any grant of approval, a condition shall be imposed to ensure that the communal living room to the loft be retained.

The document goes on to assess shared accommodation and states each living room should have a minimum living room size of 8m<sup>2</sup> plus an additional 1m<sup>2</sup> per person. Which would mean this HMO would require a living room size of at least 18m<sup>2</sup>. The living room shown at loft level is annotated on the

submitted floor plan to be 18m<sup>2</sup>. Upon any grant of approval, a condition shall be imposed to ensure that this living room remains as such.

In terms of outdoor amenity space, it is considered that a sufficient extent would be retained following the erection of the proposed single storey extension, to adequately serve the future occupiers of the HMO.

Therefore, with the inclusion of the aforementioned conditions, the proposal is considered to appropriately comply with LP24b of the Kirklees Local Plan, Principle 16 of the Housebuilders Design Guide SPD and Chapter 12 of the NPPF with regard to the amenity of future occupiers.

#### **4) Impact on Highway Safety**

Turning to highway safety, Policies LP21 and 22 of the Local Plan, and the Highways Design Guide SPD have been considered.

37 Upper George Street is located within a sustainable location and a cycle storage is proposed as part of the development.

Therefore, given the type of dwelling proposed and its location at the edge of the town centre (close to the bus station and train station), it would not be considered reasonable to insist on any off-street parking provisions as part of the scheme. It is noted that several public car parks are located close by to the site, for use by visitors.

It should be noted that, given that the building would be classed as a new development, it would be unlikely that future occupiers would be able to attain parking permits.

Given its proximity to services, Officers consider this to be sustainable location whereby future occupiers may be able to avoid car use and be compliant with LP21 and LP22 of the Kirklees Local Plan and the Highways Design Guide SPD.

Officers note that no details of waste storage / collection have been provided as part of the application. Due to the extent of the red line boundary of the application site, it is considered that sufficient provision could be provided within the site however, this detail is required to ensure that its acceptable. Therefore, a condition shall be imposed to secure details of waste storage / collection upon any grant of approval. This is in the interests of visual amenity and highway safety, to accord with Policies LP21 and LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF.

#### **5) Other Matters**

##### Climate Change:

On the 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.

As part of this application, a Climate Change Statement was submitted which set out various mitigation measures. Due to the nature of the proposal, it is considered that the proposed development would not have an impact on climate change that needs any further mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the NPPF and Policy LP51 of the Kirklees Local Plan.

## **6) Representations**

In response to publicity, 4 representations were received. The objections are summarised below, accompanied by an officer response:

- Increased traffic congestion and potential safety hazards, especially considering the limited access with only one way in and out of the road.
- The addition of a House of Multiple Occupation in this location would undoubtedly exacerbate existing parking issues.
- With limited parking spaces available, the development could lead to further strain on the local parking infrastructure, affecting both residents and visitors.

*Officer Response: These representations refer to highway matters. The impacts of the proposal upon highway safety have been assessed in full within section 4 of this report. It was concluded that, the proposal would be acceptable in this regard due to its setting in a sustainable location and the provision of cycle storage.*

- Result in an increased number of residents and, consequently, heightened noise levels, which could affect the quality of life for existing residents.

*Officer Response: As part of this application, KC Environmental Health were formally consulted. KC Environmental Health concluded that the proposal would not result in detrimental impacts regarding noise given that the current property is considered to be rented residential accommodation and its new use is to remain the same.*

*It should be noted that, any noise from one domestic dwelling to another would be dealt with under statutory nuisance legislation.*

## **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. Policy LP2 of the Kirklees Local Plan sets out that all proposals should address challenges identified in the Local Plan, with Policy LP24 of the Plan stating that good design should be at the core of all proposals in the district.

This application has been assessed against relevant policies in the development plan and other materials 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:** 2024/90780  
**Officer Recommendation:** Approve

**Conditions and Reasons:**

1. The development hereby permitted shall be begun within three years of the date of this permission.  
**Reason:** To ensure compliance with 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 specification 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, LP11, LP21, LP22, LP24, LP35, LP51 and LP53 of the Kirklees Local Plan, Principles 2, 5, 6, 12, 13, 14, 15 16, 17, 18, 19 of the Housebuilders Design Guide Supplementary Planning Document and Chapters 2, 4, 8, 11, 12, 14, 15 and 16 of the National Planning Policy Framework.
3. The extension hereby permitted shall be faced in materials to match the appearance of the host building of 37 Upper George Street. These matching exterior materials shall thereafter be retained for the lifetime of the development.  
**Reason:** In the interests of visual amenity and to accord with Policies LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and Principle 13 of the Housebuilders Design Guide Supplementary Planning Document.
4. Notwithstanding the submitted details, at no time shall there be in excess of 10 person(s) utilising the application site for accommodation.  
**Reason:** In the interests of the amenity of the occupiers, to avoid overcrowding and to ensure that the communal living areas are sufficient for the level of occupancy, in accordance with Policy LP24b of the Kirklees Local Plan, Principle 16 of the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.
5. Notwithstanding the submitted plans, the living room at loft level, as shown on Dwg No. 5 Rev P4, shall be used as a living room only and shall not function as bedroom space at any time throughout the lifetime of the operation of the building.  
**Reason:** In the interests of the amenity of future occupiers of the site and to accord with Policy LP24 of the Kirklees Local Plan, Principle 16 of the Housebuilders Design Guide SPD and Chapter 8 of the National Planning Policy Framework.

6. The development shall not be brought into use until a scheme detailing the waste storage / collection methods has been submitted to, and approved in writing, by the Local Planning Authority. The development shall not be brought into use until the approved scheme has been implemented. The approved scheme shall be thereafter retained and maintained for the lifetime of the development.

**Reason:** In the interests of visual amenity and highway safety, to accord with Policies LP21 and LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

**NOTE:** To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of: 07.30 and 18.30 hours Mondays to Fridays 08.00 and 13.00 hours Saturdays With no working Sundays or Public Holidays In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

Plans and Specifications Schedule: -

Plan Type	Reference	Version	Date Received
Location Plan	-	-	14.03.24
Roof Details	-	P1	14.03.24
Lay out refuse containers	-	P1	14.03.24
Site & Location Plan	-	P1	14.03.24
Proposed East Elevation	7	P1	15.04.24
Proposed West Elevation	8	P1	15.04.24
Existing Floor Plan	1	P1	15.04.24
Proposed Elevations	6	P1	15.04.24
Existing Front and Rear Elevation	2	P1	15.04.24
Existing West and East Elevation	3	P1	15.04.24
Proposed Floor Plan	4	P4	21.06.24
Proposed Floor Plan	5	P4	21.06.24
Climate Change Statement	-	-	14.03.24
Specifications	9	P1	14.03.24

Design & Access Statement	-	-	14.03.24
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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 Planning 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 sought amended plans, to include the single storey rear extension on the proposed plans rather than the existing plans. The description of proposal was amended from originally submitted, to include the single storey rear extension.

The case officer also sought amended plans with regard to the internal layout of the scheme, to reduce the number of bedrooms and to include a living room at loft level, for reasons of securing higher levels of residential amenity for future occupiers. As a result of this amendment, the description of proposal was amended, to remove reference to the number of tenants.

Report Dated:

02.07.24