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:	**2024/62/91807/E**
Site Address:	11, Oxford Road, Dewsbury, WF13 4LN
Description:	Alterations to detached garage/workshop to create dwelling forming annex accommodation associated with 11, Oxford Road, Dewsbury, WF13 4LN (within a Conservation Area)
Recommending Officer:	Elenya Jackson

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 07 October 2024

Officer Report

Site Description

2024/91807– 11, Oxford Road, Dewsbury, WF13 4LN

The application site relates to a large two-storey, residential, end-terraced property in Northfields Conservation Area. It is constructed in natural stone and slate tile. It has a front amenity space bounded by natural stone walls with a driveway with open access to the rear garden.

The area is largely residential in nature, characterised by traditional stone dwellings.

Description of Proposal

Alterations to detached garage/workshop to create dwelling forming annex accommodation associated with 11, Oxford Road, Dewsbury, WF13 4LN (within a Conservation Area).

The proposal would convert an existing outbuilding on site into an annex to be used in association with the host dwelling.

The proposed garage is the north-eastern building in the rear garden which has a width of 10.9m with a hipped roof and a maximum height of 3.6m.

The proposal would create a one bedroom, two bedspace annexe with an internal footprint of 49m2

History of negotiations/amendments received

N/A

Relevant Planning History

N/A

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, Site notice and press publicity with a final expiry date of 4/10/2024.

No representations have been received.

Consultation Responses

KC Conservation and Design: Informal discussion and no further comments.

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 in the Northfields Conservation Area, across from a listed building 'The Old Vicarage', in a Bat Alert layer and a Low Coal Risk Area.

Kirklees Local Plan (LP):

- **LP 1 – Presumption in favour of sustainable development**
- **LP 2 – Place shaping**
- **LP 21 – Highways and access**
- **LP 22 – Parking**
- **LP 24 – Design**
- **LP 28 – Drainage**
- **LP 30 – Biodiversity & Geodiversity**
- **LP 35 – Historic Environment**

Supplementary Planning Guidance

- Highways Design Guide SPD
- House Extensions and Alterations SPD
- 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 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 and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Assessment

The following matters are considered in the assessment below –

1) Principle of development
1) Impact on visual amenity (including any heritage considerations)

2) Impact on residential amenity
3) Impact on highway safety
4) Other matters – e.g. trees/ecology
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. Policy LP24 of the KLP is relevant and states that *"good design should be at the core of all proposals in the district"*. Key Design Principles 1 and 2 of the House Extensions and Alterations SPD have been used as a guide in considering the proposal's visual amenity impact on the streetscene and host dwelling.

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 – Heritage

The site is located in Northfields Conservation Area and across from a listed building; however, it is screened by the host dwelling on site. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority should 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.

In addition, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities to pay special attention in order to preserve or enhance the character and setting of buildings or land within a Conservation Area. This relates to Policy LP35 of the Local Plan and Chapter 16 of the National Planning Policy Framework regarding the historic environment.

Furthermore, LP35 states *"development proposals affecting a designated heritage asset…should preserve or enhance the significance of the asset. In cases likely to result in…harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring…public benefits that clearly outweigh the harm".*

This is mirrored in Chapter 16 of the NPPF of which paragraph 208 of the NPPF states that where a development proposal will lead to less than

substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Consideration of the impact on the heritage assets will be considered below.

2 –Impact on heritage and visual amenity:

In terms of visual amenity and heritage amenity, general design considerations are set out in Policies LP02, LP24 and LP35 of the Local Plan, the Key Design Principles 1 and 2 of the House Extensions and Alterations SPD and Chapters 12 and 16 of the NPPF, which seek to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity.
Policy LP24 of the Kirklees Local Plan requires extensions to be *"subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details".*
The proposal would utilise an existing building on site and would involve alterations to the external appearance of the structure. However, it is considered that due to the limited alterations, the proposal would have a negligible impact on visual amenity and the character and appearance of the Conservation Area.
As to whether the proposed could be acceptable from a heritage perspective, it is considered that the proposal would have limited vantage points from the Conservation area and require minor alterations to facilitate the development. KC Conservation and Design has had sight of the proposal and has no further comments. Due to there being no harm to the heritage assets, public benefits are not required to be demonstrated.
As such, this proposal would be compatible with the Council's duties under the Planning (Listed Building and Conservation Areas) Act 1990 (as amended), Policy LP02, LP24 and LP35 of the Local Plan, and Chapter 12 and 16 of the NPPF.

3 – Impact on residential amenity:

Section B and C of Policy LP24 of the Kirklees Local Plan 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 135f) of the National Planning Policy Framework 2021 states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Key Design Principle 3 of the Kirklees Householder Extensions and Alterations SPD sets out that extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants

and neighbours. In addition, Key Design Principle 4 notes that extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light and outlook.

The closest property to be affected by the development is 9 Oxford Road. This property is located to the north east of the application site, and attached to the host dwelling.
Overlooking: The proposal would feature windows facing towards no.11. it is considered that there is an offset relationship between the proposal and the rear of no.9 and therefore, no significant issues would arise regarding overlooking.

Overshadowing/loss of light/overbearing: It is considered that, the proposal would not increase the dimensions of the existing structure on site and therefore no issues would be raised regarding Overshadowing/loss of light/overbearing.

Impact on 9 Northfield Road

This property is located to the rear (south) of the application site.

Overlooking: The existing building contains a small window within the rear elevation and the proposal would result in this serving a wet room. Due to the non-habitable nature of this room, it is considered that no loss of privacy would occur to the occupiers of 9 Northfield Road. It is, however considered reasonable to impose a condition, should permission be granted, removing permitted development rights for the insertion of additional openings within the rear elevation of the proposed development to ensure that no loss of privacy occurs in the future.

Overshadowing/loss of light/overbearing*:* The proposals would not result in any enlargement or increase in height of the building, and as such no overshadowing or overbearing impact would occur.

Impact on 13 Oxford Road

Overlooking: The proposed openings would face directly towards the application property and therefore would not cause a loss of privacy to the occupiers of No.13.

Overshadowing/loss of light/overbearing: The proposals would not result in any enlargement or increase in height of the building, and as such no overshadowing or overbearing impact would occur. In addition, the building is set in from the boundary with No. 13 due to the presence of another attached outbuilding at the application site.

It is considered that due to the nature of the proposal, no significant issues would be raised regarding the residential amenity of any other properties.

Future Occupiers

In terms of the amenities of the proposed occupiers, Principle 16 of the Kirklees Housebuilders Design Guide SPD 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.

Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan.” 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.”

Due to the proposal featuring one bedroom with two single beds, it is to be assessed as one bedroom, two bed spaces.

National space standards require the following gross internal floor area for a one storey dwelling:

- 1 Bedroom, 2-person dwelling set over 1 storey’s- 50 square metres

The proposal is required to have an internal floor space of 50m$^{2.}$ The proposal is shown to have an internal footprint of 49m2. It is considered on balance this would be acceptable in this instance due to the annexe being in association with the host dwelling. A condition is required to be added to the decision notice, ensuring that the proposal is to remain ancillary to 11 Oxford Road.

Therefore, it is considered that, subject to conditions, the proposed of the existing garage to an annex building is 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, 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 there is ample parking provision on site to the front, rear and side of the host dwelling.

The proposal would not lead to the creation of a significant number of units utilising the private access and would not significantly alter parking provision on site.

Finally, as the proposal is an annexe in association with the host dwelling, it is unlikely that the demand for parking would be materially increased.

Therefore, the proposal is considered to accord with LP21 and LP22 of the Kirklees Local Plan.

5 – Other matters:

Climate Change
When determining planning applications, the Council will use the relevant Local Plan policies, NPPF and guidance documents/SPDs to embed the climate change agenda and to achieve 'net zero' carbon emissions by 2038. 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.
Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development. Given the improved Building Regulations setting out high requirements for insulation and energy efficiency, and the increased daylighting through rooflights, the proposal would be of benefit to the original building's energy efficiency and would contribute positively towards carbon reduction.
Drainage
The site is within a low probability Flood Risk Zone and does not seek to extend its off street parking area with development limited to the rear and has a soft landscaped garden, therefore this would have not conflict with Policy LP28 of the Kirklees Local Plan or Key Design Principle 14 of the House Extensions and Alterations SPD.
Biodiversity
Whilst considering Biodiversity, Key Design Principles 12 –13 of the House Extensions and Alterations SPD in conjunction with LP 30 of the Kirklees Local Plan is relevant.
Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest and therefore considered unlikely that the proposals would have an impact on the bat population. An informative has been provided however, making the applicant aware that if bats are discovered on site during the works, any development shall cease and the

applicant is advised to contact Natural England for advice on how to move forward.
In relation to BNG requirements, the proposal is considered to be exempt and falling under householder development under the definition of the relevant BNG exemptions.
The proposal would utilise an existing structure on site, it is proposed that this would require no additional compensation or mitigation to improve biodiversity to make it acceptable in line with KDP 12-13 of the SPD, LP30 of the Kirklees Local Plan and Chapter 15 of the NPPF

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: 2024/91807

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, LP21, LP22, LP24, LP28, LP30 and LP35 of the Kirklees Local Plan, Key Design Principles 1-17 of the Council's House Extensions & Alterations Supplementary Planning Document, and Policies within Chapters 2, 9, 12, 14, 15 and 16 of the National Planning Policy Framework.

3. The annex dwelling hereby approved shall be used by the occupants or relative of the dwelling house known as 11, Oxford Road, Dewsbury, WF13 4LN and shall at no time be sold, rented, or severed to be occupied as a separate independent dwelling unit.
Reason: In the interests residential amenity, highway safety and to achieve a satisfactory layout site in accordance with Policy LP21 and LP22 and LP24 of the Kirklees Local Plan.

4. No light or other opening shall be made in any part of the rear (south) elevation on the approved plan.
Reason: In the interests of residential amenity, in accordance with Policy LP24 of the Kirklees Local Plan.

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.

FOOTNOTE: The site is located within the Kirklees Bat Alert Layer and there is an increased potential for roosting bats. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2017 (as amended) and Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). It is an offence for anyone 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.	001	P2	01/08/2024
Existing site and block plan	002	P1	01/08/2024
Proposed site and	006	P1	01/08/2024

Plan Type	Reference	Version	Date Received
block plan			
Proposed elevations	008	P1	01/08/2024
Existing elevations	004	P1	01/08/2024
Proposed Floor Plan	007	P2	01/08/2024
Existing floor plan	003	P1	01/08/2024
Heritage Assessment			01/08/2024
CCS			01/08/2024

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.

No negotiations required.