

**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>2024/62/92063/W</b>
Site Address:	45a, St Helen's Gate, Almondbury, Huddersfield, HD4 6SG
Description:	Conversion and extension of dwelling to form 8 apartments (within a Conservation Area)
Recommending Officer:	Lucy Taylor

**DECISION – REFUSED**

**I hereby authorise the refusal of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.**

John Holmes

***AUTHORISED OFFICER***

**Date:** 23<sup>rd</sup> September 2024

## **Officer Report.**

**Reference:** 2024/92063

**Location:** 45a, St Helen's Gate, Almondbury, Huddersfield, HD4 6SG

**Proposal:** Conversion and extension of dwelling to form 8 apartments (within a Conservation Area)

## **Site Description.**

45a St Helen's Gate is a detached dwelling located in Almondbury, Huddersfield. The dwelling itself is a large stone building, with a private drive and outdoor amenity space. Access to the property is shared with the adjacent property, No. 53 St Helen's Gate, and the driveway meets the highway of St Helen's Gate.

The application site is located within the Green Belt and within the Almondbury Conservation Area, with two Grade II Listed Buildings located across the highway of St Helen's Gate (No.'s 34 & 36 St Helen's Gate).

## **Description of Proposal.**

Planning permission is sought for the conversion and extension of No. 45a St Helen's Gate to form 8 apartments.

A three-storey extension is proposed to the side elevation of the dwelling. This will have the following dimensions:

- Projection – 5.8 metres
- Length – 11.65 metres
- Ridge height – 8.3 metres (hipped roof)

A two-storey infill extension is proposed to the rear elevation of the dwelling. This will have the following dimensions:

- Projection – 4.5 metres
- Width – 3.8 metres
- Ridge height – 4.5 metres (flat roof)

Two raised decking areas are proposed to be erected to the rear elevation.

The extensions are to be constructed from stone and render and the roof of the extension is to be infilled with slate tiles.

Fenestration detailing will consist of windows and glazed doors.

Seven two-bedroom apartments will be created and one one-bedroom apartment.

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

In this instance, the case officer did not enter into negotiations with the applicant or planning agent, as it was concluded that, no amendments could be sought or submitted to overcome the concerns raised, within the remit of the original description of proposal.

### **Relevant Planning History.**

- 2008/93962 – Erection of detached dwelling with integral garage (modified proposal). *Granted Conditional Full Permission.*

### **Representations.**

The application was advertised via neighbour notification letters, a site notice and within the newspaper.

Final publicity date expired: 7<sup>th</sup> September.

In response to publicity, 17 objections were received, which raised the following concerns:

### **Visual Amenity & Heritage:**

- The proposals will have a negative impact on the Conservation Area and neighbouring Listed Buildings.
- This is already a very large building and is out of character with other buildings on the street. To make it even larger would be very detrimental to the area.
- It is within a Conservation Area which must be preserved.
- The proposed extensions to an already large property on a relatively small piece of land is not in-keeping with the principles of a conservation area and preserving the character of the area.
- Expanding into a large proportion of the whole plot, leaving very little green space.
- The houses in the area are all single dwelling and to increase a property from one dwelling to eight is not within the character of the area.
- Although there are large properties in the area, the size of the proposed extension on the size of the plot is out of keeping with other

properties and would have a detrimental effect on the character of the local area.

- This will result in the property (which already is of significant stature) being completely out of scale in relation to the surrounding dwellings, which includes the grade two listed property St Helen's House, directly opposite the property.

**Officer Response:** Noted. A full assessment of the impacts of the proposal on visual and residential amenity are set out within Assessment section 3 of this officer's report.

Green Belt:

- The National Planning Policy Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Development within the Green Belt is inappropriate, with certain exceptions that are set out in Framework paragraphs 149 and 150. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The footprint and volume of the proposed development would give rise to a spatial loss of openness. The addition of the new extension to the east of the existing building requires removal of a significant amount of earth and results in a three-storey high extension very close to the St Helens Gate boundary of the property. This 3-storey extension close to the boundary significantly reduces the openness of the plot and is harmful to the green belt.

**Officer Response:** Noted. A full assessment of the impacts of the proposal on the Green Belt are set out within Assessment section 2 of this officer's report.

Residential Amenity (including neighbouring properties and amenity of future occupiers):

- The proposals would appear to be a gross overdevelopment of the site, resulting in a loss of amenity for the future building users.
- The conversion from one dwelling to eight dwellings would lead to an intensification of the use of the site which would have a negative impact on the neighbouring dwellings. The proposed extensions would also have an overbearing effect on those dwellings.
- The building already sits on most of the plot and to make it even bigger would have an effect on nearby properties and affect their values.
- Ground floor apartment (south east) has no designated living space.

- Fire safety – i. lower ground floor - there appears to be no accessible to exit window for the north east ground floor apartment bedroom and the north west ground floor bedroom as the plans refer to light wells. ii. Access to both lower ground floor apartments are via the same car port for both of these properties. This also means this car port cannot be used for parking as will restrict access to the apartments by residents and emergency services.
- Increased noise from the apartment residents, visitors and deliveries. The current property is used as a short-term holiday let, mainly at weekends. Noise from such lettings has impacted significantly.
- Increased number of vehicles regularly accessing the site as well as visitors and deliveries. No measures have been taken to reduce the increased air pollution.

**Officer Response:** Noted. A full assessment of the impacts of the proposal on residential amenity are set out within Assessment section 4 of this officer's report.

Highway Safety:

- The on-site parking provision appears to be inadequate for the number of proposed units. St Helen's Gate has several narrow sections and there are often problems with congestion, caused by staff and visitors to King James's School parking on the road. Residents have been notified that there are plans to introduce double yellow lines along St Helen's Gate, and therefore there is no potential for additional parking on the road.
- The site entrance is acceptable as a domestic driveway but is possibly not suitable to support the increase in housing units, to allow for the potential of cars coming and going simultaneously, and refuse collections etc, particularly due to its proximity to the sharp bend in the road. There is a high volume of foot traffic along the road with children walking to and from King James's School.
- There will be a major impact on highway safety and increased traffic. The car park although being slightly extended, is not big enough for the increase in the number of cars. At the moment, there is barely room for four cars. To increase it to eight or more will cause major problems. The site sits on the corner of a very nasty bend so cars cannot be parked on the road if they can't get into the car park. I believe there are plans to put double yellows down St Helen's Gate which will cause further problems for residents and their visitors. This alone should be enough to refuse this application.
- The location of the site is on an already difficult corner therefore the additional traffic this will introduce will have a significant impact on

highway safety for existing residents, passing traffic and pedestrians including local school children.

- The number of flats proposed for the site will likely increase the volume of cars in excess of the capacity of the site and therefore lead to parking on the road which would be unsafe due to the location of the property and the lack of feasible places to park safely. The ability to fit 8 cars (of an average modern size) safely on the site is also unlikely with the proposed extension to the building.
- Over the course of any one day that is a huge volume of traffic requiring access to and egress from the property to St Helen's Gate. At this point this road is not only very narrow (vehicles passing each other must exercise great care) but there is also a junction with Dark Lane and a very bad bend in the road.
- The property is on a dangerous bend, with a narrow footpath all the way down for residents and school children at King James School more residential cars will be hazardous for school children and could result in a serious incident. Highway safety is a fundamental issue here.
- Eight new homes would create excessive traffic in the morning, no-one cycles up the road as it is too steep. The plans show how 8 cars are squeezed in, but not how they can manoeuvre in such a tight space
- A full car park would also allow no room for the bin lorry to enter and manoeuvre so 8 bins per week would have to be left on the narrow pavement currently used by hundreds of school pupils.

**Officer Response:** Noted. A full assessment of the impacts of the proposal on highway safety are set out within Assessment section 5 of this officer's report.

Trees:

- The removal of trees to open up the site for development will take away from the beauty of the local area having an ecologically negative effect.
- The extension of the property to the west is dangerously close to trees, all of which are covered by the general area TPO, this is not shown in the plan.
- Following planning application 2024/TND/90320/W decision of 5 February 2024 a replacement for a tree removed under the dead or dangerous tree exemption, there is a legal obligation for the owner of the land to plant a replacement tree at the same place of an appropriate size and species. There is an absence of such a tree in the place of an appropriate size and species. There is an absence of such

a tree in the plans. The closeness of the extension and parking spaces makes planting such a tree impossible.

**Officer Response:** Noted. A full assessment of the impacts of the proposal on trees is set out within Assessment section 6 of this officer's report.

Ecology:

- This is altogether an unsuitable over development which would cause impact on the local wildlife.
- There is a wildlife path between neighbouring property and the development site. Birds nest in the trees and shrubs next to the site. Foxes are also present. Bats and owls also visit the area.

**Officer Response:** Noted. A full assessment of the impacts of the proposal on ecology is set out within Assessment section 6 of this officer's report.

Other Matters:

- Building works of skips, large vehicles delivering construction materials will struggle on the road potentially causing damage to protected trees, walls, highways and the host building.

**Officer Response:** Noted. This is not considered to be a material planning consideration which can be afforded significant weight in the consideration of this planning application, given the scale of the development proposal.

- The plans are incorrectly labelled. The drawings state North Elevation which is South Elevation and vice versa.

**Officer Response:** Noted. However, it is considered the LPA is still able to progress this application to determination on the basis of the submitted information.

- The planning notice dated 04.08.24 was removed by the 07.08.24 and reappeared on the 08.08.24.

**Officer Response:** Noted. The application was publicised via a site noticed posted by the case officer on 4<sup>th</sup> August 2024. As well as the site notice, publicity was also undertaken via neighbour letters and advertisement in local press.

- There is a lack of need for a development of this type in the area.

**Officer Response:** Noted. An assessment of housing supply has been undertaken within assessment section 1 of this officer's report.

- The proposed use would be particularly vulnerable to the presence of contamination, as confirmed in the application form dated 13 July 2024.

The actual or possible presence of contamination is a material planning consideration.

**Officer Response:** Noted. The consultation response from KC Environmental Health addresses matters relating to contaminated land.

- The ground floor apartments will require extensive earth work removal as currently this area is underground. How will this be safely managed?

**Officer Response:** Noted. Upon any grant of approval, an informative note could be included regarding matters of land stability.

- Water-no plans have been submitted to reduce water stress. Demand for water will increase due to the number of occupants. The current water pipe outside the property (north side) on St Helen's Gate has increasingly frequent recurring leaks that require repairs. Yorkshire Water has advised that as the pipe is old they are not able to replace this and that there will be ongoing occurrences of water leaks. The extra water demand will compound this. In turn this will affect residents with continually re-occurring repairs and water being turned off for such repairs to occur.

**Officer Response:** Noted. Given the scale of the development it is considered resultant impact upon demand from the water infrastructure could not reasonably constitute a reason for refusal in this case.

### **Consultation Responses.**

KC Environmental Health (formal) – No objections within the inclusion of a conditions and footnotes regarding unexpected contamination, electrical vehicle charging points and construction site working times.

KC Highways Development Management (formal) – recommend refusal of the proposals on highway safety grounds.

KC Conservation & Design (informal) – proposals pose a cumulatively harmful impact on the character of the character of the Conservation Area and setting of the Listed Buildings opposite.

KC Trees (informal) – object, due to future pressures to fell T1, as a result of the location of the balcony, which would open up straight into the canopy of this protected tree.

The content of consultee responses is discussed in more depth within the 'Assessment' section of this 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 application site is located within the Green Belt

The site is located within the Almondbury Conservation Area, with two Grade II Listed Buildings located across the highway of St Helen's Gate (No.'s 34 & 36 St Helen's Gate).

The application site is located within an area with a known presence of bats.

Several TPO trees are located around the boundary of the site

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

### **Kirklees Local Plan:**

- LP1 – Achieving sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP7 – Efficient and effective use of land
- LP11 – Housing mix and affordable housing
- LP20 – Sustainable travel
- LP21 – Highway safety
- LP22 – Parking
- LP24 – Design
- LP30 – Biodiversity & geodiversity
- LP33 – Trees
- LP35 – Historic environment
- LP51 – Protection and improvement of air quality
- LP52 – Protection and improvement of environmental quality
- LP57 – The extension, alteration or replacement of existing buildings

### **Other Guidance Documents:**

- Kirklees Housebuilders Design
- Kirklees Highways Design Guide (2019)
- National Design Guide
- Nationally Described Space Standards

### **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 6<sup>th</sup> March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 13 – Protecting Green Belt land
- Chapter 14 – Meeting the challenge of climate change, flooding & coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

## **Assessment.**

### **1) Principle of Development**

Policy LP1 of the Kirklees Local Plan states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in Chapter 2 of the National Planning Policy Framework. Policy LP2 sets out that, in order to protect and enhance the character of places, all development proposals should seek to build on the opportunities and help address the challenges identified in the Local Plan.

In terms of design, Policy LP24 of the Kirklees Local Plan is relevant, in conjunction with Chapter 12 of the National Planning Policy Framework. Policy LP24, together with the Housebuilders Design Guide SPD, suggests that proposals should promote good design by ensuring inter alia that the form, scale, layout, and details of all development respects and enhances the character of the townscape, heritage assets and landscape. Furthermore, it requires that proposals protect the amenity of future and neighbouring occupiers and promote highway safety and sustainability.

Policy LP3 of the Local Plan is also of relevance insofar as it required development to deliver homes in a sustainable way. In addition to the above, Kirklees Council has adopted a Housebuilders Design Guide Supplementary Planning Document (SPD). This document sets out what the Council considers to be good residential design, to raise the quality of housing that is delivered in the district, supporting the Local Plan Vision. To help deliver quality places, the SPD consists of 19 Principles relating to both the broader and immediate context of the site with regard to landscape, culture, nature and heritage.

The Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and as such it is accepted that relevant Local Plan policies for the supply of housing land are out-of-date. This now triggers the NPPF presumption in favour of sustainable development.

As set on in NPPF paragraph 11d, 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.”*

Policy LP7 of the Kirklees Local Plan states encourages the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and a net density of at least 35 dwellings per hectare should be provided. Principle 4 of the Housebuilders Design Guide seeks to ensure a density of 35 dwellings per hectare or more is achieved. Where a density of 35 dwellings per hectare cannot be achieved, policy LP7 sets out that lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs.

The application site measures 801.97m<sup>2</sup> and seeks planning permission for the conversion and extension of No. 45a St Helen's Gate to form 8 apartments. The site is considered to be located within a sustainable location approximately 270 metres from the Almondbury District Centre.

Therefore, in relation to density of development and supply of housing, it is considered that the development sought under this application would meet the requirements of the aforementioned policies.

The conclusion section of this report sets out the conclusions in relation to the principle of the development in light of all other material considerations.

## **2) Green Belt**

Section 13 ('Protecting Green Belt Land') of the National Planning Policy Framework is relevant and in particular the following paragraphs: -

*Paragraph 142 'The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.'*

Paragraph 143 specifies the five purposes of including land within the Green Belt, which include to: - *'to assist in safeguarding the countryside from encroachment.'*

Paragraph 150 *'local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.'*

Paragraph 152-153 set out that. *'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (vsc)... VSC will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.'*

Paragraph 154 *'A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include:*

*c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*

With regard to policies within the Kirklees Local Plan which relate to the Green Belt, the following would be considered applicable:

*Policy LP57 - Proposals for the extension, alteration or replacement of buildings in the Green Belt will normally be acceptable, subject to a number of provisions.*

- a. in the case of extensions, the original building remains the dominant element both in terms of size and overall appearance. The cumulative impact of previous extensions and of other associated buildings will be taken into account. Proposals to extend buildings which have already been extended should have regard to the scale and character of the original part of the building.*
- a. in the case of replacement buildings, the new building must be in the same use as and not be materially larger than the building it is replacing;*
- b. the proposal does not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standings, curtilages and enclosures and means of access; and*
- c. the design and materials should have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting.*

The dwelling which currently stands at the site, is considered to be the original dwelling, granted planning permission under application 2008/93962. The dwelling as currently standards is a large, detached structure, over three-storeys.

This proposal seeks planning permission for the erection of a three-storey extension to the side of the host dwelling and for the erection of a two-storey extension to the rear.

In terms of whether the scale of the extension is disproportionate, it is considered the overall quantum of the proposal may meet the requirement of being 'not disproportionate' however, the siting size and proximity to the highway is considered to fail to meet the requirement of LP57(d)

The visual impact of the proposal is set out within the following sections of this report.

### **3) Impact on Visual Amenity and Historic Environment**

#### Visual Amenity:

Chapter 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

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 14 of the Housebuilders design guide states that the design of windows and doors is expected to relate well to the street frontage and neighbouring properties and reflect local character in style and materials.

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

The proposal includes the erection of a three-storey extension to the side elevation and a two-storey extension to the rear elevation.

The proposed two-storey side extension would be an overtly prominent addition to the host building of No. 45a St Helens Gate. It would be erected to a very prominent elevation of the dwellinghouse, highly visible from public vantage points around the site and bringing built form closer to the boundary of the site. Furthermore, the extension would fail to be set down from the ridge height of the host dwelling, with a hipped roofing form further adding to the overall extent of bulk and massing. In addition, the side extension would fail to have a substantial set back from the principal elevation of the host property, set back only approximately 0.3 metres.

Furthermore, the projection of the proposed three-storey side extension towards the highway is considered to present undue impacts to the character of the wider streetscene. At present, the host property and neighbouring

property to the south, No. 53 St Helen's Gate, share a similar set back position. This proposal will result in the dwelling stepping out to a significantly greater degree than this neighbouring property, further exacerbating the undue impacts set out above, including the dominance of the proposed side extension when read from the wider streetscene.

The proposed two-storey rear extension would have a flat roofing form, which would not be in keeping with the architectural design of the host dwelling and therefore, would appear as an incongruous addition, detracting from the original architectural form of the dwelling. The host building, and buildings within the streetscene, are predominantly characterised by tiled gable and hipped roofing styles.

With regard to fenestration detailing, it is considered that there would be a loss in character to the host dwelling as a result of the proposal, with the development seemingly failing to incorporate some of the interesting design features, especially the glazing as existing to the eastern facing elevation.

It is considered that cumulatively, the proposed works to 45a St Helens Gate would result in incongruous and visually dominant additions that visually detract from the architectural design of the host property.

Taking the above into account, Officers consider the external changes to result in visual harm to the existing building and street scene, and therefore it is concluded that the works would not accord with Policies LP1, LP2, LP24, LP57(d) of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and Principles 2, 13 and 14 of the Housebuilders Design Guide SPD.

#### Historic Environment:

Due to the site's location within the Conservation Area and in close proximity to Listed Buildings, Paragraph 201 of the NPPF is relevant, which requires that the Local Planning Authority identify and assess the particular significance of any heritage assets affected and take this into account when considering the impact of the proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

The requirements of Section 72 & 66(1) of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 are also relevant.

Policy LP35 of the Kirklees Local Plan will also be taken into account, stating 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"*.

The submitted heritage statement sets out the following, summarised, points:

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- Careful consideration has been given to the proposed layout. The proposals respect the existing building and its surroundings and create eight apartments.
- The proposal retains all the characteristics of the existing building and a change to apartments will have beneficial impact on the local setting. It is felt the alterations proposed do not detract in any way from the original design and layout and use this opportunity to enhance the layout for purposeful use.

The Council's Conservation Team have assessed the proposal and provided the following comments within their informal consultation response: -

- Existing property is already of significant size and the extensions would not be subservient, bringing built form right up to boundary. As a result, the extensions would be considered to appear as too dominant and much more visually intrusive than the existing property, presenting a cumulative impact to the Conservation Area.
- The property steps out more towards the highway with the addition of the three-storey extension, therefore, proposal poses an impact to adjacent Listed Buildings.
- The fenestration detailing appears as bland, failing to incorporate some of the interesting design features which currently exist to the host property.
- Overall, the works present a cumulative harmful impact.

It is considered that the proposal would detract from the architectural design of the host property, with the three-storey extension presenting an overtly dominant impact and the loss of interesting design features, including existing fenestration detailing.

In addition, given the proposed position of the extension, to the side elevation of the dwellinghouse, it is considered to have an impact upon the setting of the Conservation Area and Grade II Listed buildings located adjacent to the application site.

At paragraphs 205 – 208 the NPPF is clear, that where development leads to substantial harm, this is necessary to achieve substantial public benefits that outweigh that harm or, in the case of less than substantial harm this should be weight against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Taking account of the submitted statement, response of the Conservation Team and the size and scale of the proposal and the visual impact it would have as well as the design / siting of the proposal it is considered the proposal would lead to substantial harm to the setting of the Conservation Area and also that of the nearby Grade II listed buildings.

The applicant has not put forward any public benefits within their submitted heritage statement. Whilst officer's note that the application is for the creation of 8 apartments, the additional supply of housing is not considered to be a public benefit which would solely outweigh the harm caused.

For these reasons, the proposed development scheme to No. 45a St Helens Gate is considered to have a detrimental impact to the heritage significance of the application site and surrounding area. Therefore, it is concluded that the proposal fails to comply with policies within chapter 16 of the NPPF and Policy LP35 of the Kirklees Local Plan.

#### **4) Impact on Residential Amenity**

Sections B & C of the Kirklees Local Plan Policy LP24 which 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 occupiers.

Principle 6 of the Kirklees Housebuilders Design Guide SPD states 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."*

##### *Amenity of Neighbouring Dwellings:*

The proposal would not see an increase in built form proposed towards the shared boundary with No. 45 St Helens Gate and the proposed extensions would retain a minimum separation distance of approximately 9.5 metres from the shared boundary with No. 53 St Helens Gate and 14.5 metres from the shared boundary with No. 34 St Helens Gate.

Given the extent to which additional built form would be separated from the shared boundaries with neighbouring properties, it is not considered that the extensions would result in undue impacts of overbearing or overshadowing for the occupiers.

At present, the significant area of elevated glazing to the ground floor of the principal elevation of No. 45a St Helens Gate serves an inhabitable area of the house, the gallery landing. As part of the proposed conversion of the property, this glazing will come to serve habitable living accommodation to the ground floor, a living room. This glazing is adjacent to the side elevation of No. 53 St Helens Gate, is located within an elevation position, projects forward of the stone principal elevation and presents a significant number of windows. Based on planning history at this property, it is concluded that the windows in the side elevation serve habitable rooms, including a family room and bedrooms.

Given the layout of habitable room glazing to the side elevation No. 53 St Helen's Gate and the elevated and projecting position of the principal elevation glazing to serve a habitable room as part of the developments to No. 45a St Helens Gate, it is considered that the proposal would result in undue impacts of overlooking towards this neighbouring property and its rear private amenity space.

*Amenity of Future Occupiers:*

Principle 16 of the Housebuilders Design Guide seeks to ensure 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. The Council's adopted Housebuilders Design Guide SPD requires, within principle 16, that nationally described space standards are met to ensure that new homes are able to meet basic lifestyle needs and provide high standards of amenity for future occupants.

The one-bedroom apartment to the lower ground floor of the building has a floorspace of approximately 52m<sup>2</sup>, with a double bed shown on the floor plans, indicating up to two occupiers. The Nationally Described Space Standards sets out that single storey, one-bedroom living accommodation, for two people should have a minimum floorspace of 50m<sup>2</sup>. Therefore, it is considered that this apartment is compliant with Nationally Described Space Standards. In addition, it is considered that an adequate amount of glazing would serve this apartment, with a patio area to the front.

The two-bedroom apartment to the lower ground floor of the building has a floorspace of approximately 70m<sup>2</sup>, with two double beds shown on the floor plans, indicating up to four occupiers. The Nationally Described Space Standards sets out that single storey, two-bedroom living accommodation, for up to four people should have a minimum floorspace of 70m<sup>2</sup>. Therefore, it is considered that this apartment is compliant with Nationally Described Space Standards. In addition, it is considered that adequate glazing would serve this apartment, with a patio area to the side and rear.

The apartment on the ground floor showing a double and single bed has a floorspace of approximately 54m<sup>2</sup>. The Nationally Described Space Standards sets out that single storey, two bedroom living accommodation, for up to three people should have a minimum floorspace of 61m<sup>2</sup>. Therefore, it is considered that this apartment is not compliant with Nationally Described Space Standards. Whilst this apartment is adequately served by glazing and decking, this does not overcome the shortfall in the internal floorspace.

The two-bedroom apartments to the ground floor have floorspaces of approximately 70m<sup>2</sup> and 77m<sup>2</sup>, both showing two double beds on the floor plans, indicating up to four occupiers. The Nationally Described Space Standards sets out that single storey, two-bedroom living accommodation, for up to four people should have a minimum floorspace of 70m<sup>2</sup>. Therefore, it is considered that these apartments are compliant with Nationally Described

Space Standards. In addition, it is considered that these apartments are adequately served by glazing and both benefit from outdoor amenity space in the form of decking and a balcony.

The apartment to the first floor showing a double and single bed has a floorspace of approximately 54m<sup>2</sup>. The Nationally Described Space Standards sets out that single storey, two bedroom living accommodation, for up to three people should have a minimum floorspace of 61m<sup>2</sup>. Therefore, it is considered that this apartment is not compliant with Nationally Described Space Standards. Whilst this apartment is adequately served by glazing and a balcony, this does not overcome the shortfall in the internal floorspace.

The two-bedroom apartments to the first floor have a floorspace of approximately 70m<sup>2</sup> and 61m<sup>2</sup>, both showing two double beds on the floor plans, indicating up to four occupiers. The Nationally Described Space Standards sets out that single storey, two-bedroom living accommodation, for up to four people should have a minimum floorspace of 70m<sup>2</sup>. Whilst one of the two-bedroom apartments to the first floor falls short of this space standard, officers acknowledge that it is compliant with space standards for up to three occupiers. Therefore, on balance, it is considered that this would be acceptable, within the inclusion of a condition upon any grant of approval to limit the number of occupiers to three. These apartments are adequately served by glazing and both benefit from a balcony.

For the reasons outlined above, the proposal is considered contrary to LP24(b) and LP47 of the Kirklees Local Plan, Chapter 12 of the NPPF and guidance as set out in the Council's adopted Housebuilders Design Guide SPD, with the two-bedroom apartments on the ground and first floor, with one double and one single bed, falling short of the minimum gross internal floor area as set out in the Nationally Described Space Standards.

## **5) Impact on Highway Safety**

Turning to highway safety, Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. 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.

Principle 12 of the Housebuilders Design Guide sets out, amongst other things that parking to serve dwellings should not dominate streets and should be to the side/rear. Principle 19 of the Housebuilders Design Guide states that provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development.

This application seeks approval to the conversion and extension of a dwelling to form 8 apartments at 45a, St Helen's Gate, Almondbury, Huddersfield.

As part of the determination of this application, a formal consultation was undertaken with KC Highways Development Management. Their consultation response set out the following comments and drew the following conclusion:

The proposals show the existing access from St Helens Gate retained and the existing driveway utilised to serve the proposed apartments. St Helens Gate is narrow with narrow footway and poor horizontal alignment and is access to King James High School which is located 200m to the south of this site. This road is heavily trafficked at school peak times with both vehicles and pedestrian school children going to and from the school.

This existing driveway meets St Helens Gate at an angle resulting in difficult turning and manoeuvre, the access is only 3.5m wide which is not enough to allow two vehicles to pass and visibility from the access on to St Helens Gate is poor in both directions.

This access is shared with the adjacent property and inter-visibility between the two driveways is poor.

The location of the two proposed visitor parking spaces potentially obstructs vehicle turning movements resulting in difficult turning and manoeuvre into and out of the proposed residential parking spaces.

Four of the spaces are shown within carports. Central pillars towards the front of these spaces will make access difficult.

Access to parking spaces 7 and 8 being close to the access will also require difficult turning and manoeuvre.

Highways Development Management (HDM) consider that this proposal results in over-development of the site with cramped and difficult turning manoeuvre into and out of parking spaces. This could potentially result in vehicles needing to park on St Helens Gate which is not in the best interests of highway safety.

The access is narrow which can potentially result in vehicles waiting on St Helens Gate, the angle it meets St Helens Gate results in difficult turning and manoeuvre and visibility from the access on to St Helens Gate is poor in both directions. This access is sub-standard and not suitable for any intensification in use.

For the reasons as set out above, Highways Development Management recommend refusal of this application on highway safety grounds.

It is therefore concluded that the scheme would represent significant additional harm in terms of highway safety and as such, fails to comply with Local Plan Policies LP21 and LP22, principles 12 and 13 of the Housebuilders Design Guide SPD and the guidance contained within the National Planning Policy Framework.

## 6) Other Matters

### Trees:

Several TPO trees are located to the boundary of the site.

LP33 of the Kirklees Local Plan sets out that: *“The Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity.”*

As part of the determination of this planning application, an informal consultation with undertaken with KC Trees.

Whilst the Trees officer concluded that there would be no direct or indirect harm to T4 and T5 (protected under TPOs), harm would be posed to T1 (protected under a TPO), as a result of the proposed position of the balcony, which would open up straight into the canopy of T1, resulting in future pressure for the tree to be pruned and removed.

As such, it is concluded that the proposal would be unacceptable and result in harm to T1, as a result of future pressure to fell this tree.

### Bats / Ecology:

Chapter 15 of the National Planning Policy Framework is relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

As part of this application, a Preliminary Ecological Appraisal has been submitted, which made the following conclusions with regard to bats:

- The buildings within the site were deemed as offering low potential to be used by bats for roosting, as assessed by a licenced bat ecologist (2015- 12213-CLS-CLS). As such, impacts towards bats are considered a possibility should bats be using the identified feature.
- Further survey effort has been recommended to assess the presence of bats using the site.
- Consequently, a phase-two bat survey has been recommended to assess the presence / likely absence of bats using the structures. Further survey effort will inform any mitigation which may be required to permit development.
- A phase two bat survey will consist of one dusk bat emergence survey to assess the presence / likely absence of any bats using the feature identified on the building. Further survey effort will be required should presence of bat roosts or places of shelter be recorded.

- Bat activity surveys are seasonally dependent and should only be conducted in the recognised survey season of between May to August (inclusive). The surveys must also take place during optimal weather conditions at a minimum three-week interval between surveys if multiple surveys are required.
- The site does not constitute as likely major foraging or commuting ground, based on the size of the site and the habitat composition. However, the belt of trees outside the site outside the north and western site boundaries is deemed to have suitability for use as a commuting / foraging corridor. Consequently, a lighting scheme has been recommended.

No further survey information was submitted to assess the presence of bats, as recommended within the submitted Preliminary Ecological Appraisal. Officers consider that, based on the conclusions of this submitted document, a further phase two bat survey is required to allow an informed assessment of the presence / likely absence of bats. Given that this further information was not submitted, this will constitute a reason for refusal of the application, with insufficient information provided to the Local Planning Authority.

With regard to biodiversity net gain, a biodiversity metric was submitted. It would appear from the submitted metric that the application fails to provide a biodiversity net gain, with the metric commenting that 'on-site net gain is less than target set' (-100%) and that 'total net gain is less than target set' (-100%).

Despite the above conclusions made within the submitted biodiversity metric, it would not be considered reasonable to include a reason for refusal regarding this. This is because, if the application were to be approved, an informative would be included, drawing the applicant's attention to the legislative requirement of the net gain condition, to provide a net gain (or secure off site net gain).

Given the impact of the development upon a protected species and trees it is concluded that the development would fail to meet the requirements of policies LP30 and LP33 and is therefore recommended for refusal on this basis.

### Climate Change:

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan 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.

## **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 proposals do not accord with the development plan and/or the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material consideration.

**Recommendation: Refuse**

**Decision Authorisation: Delegated Powers**

**Application Number: 2024/92063**

**Officer Recommendation: Refuse**

### **Reasons for Refusal:**

1. The proposed three storey and two storey extensions, by reason of their design, scale, massing and siting, would fail to be subservient to the original dwelling and would appear as incongruous additions to the host building, having a harmful impact upon the character and appearance of the dwelling and the character of the wider streetscene. The proposal would therefore be contrary to Policies LP1, LP2, LP24 & LP57(d) of the Kirklees Local Plan, policies within Chapter 12 of the National Planning Policy Framework and Principles 2, 13 and 14 of the Housebuilders Design Guide SPD.
2. The prominent location of the proposed three-storey extension and its size, scale and design, in conjunction with the other works proposed to the dwelling, would present a cumulatively harmful impact upon the heritage significance of the host property, setting of the Grade II Listed Buildings and the surrounding Almondbury Conservation Area. No public benefits to outweigh this harm have been identified or are considered to exist more generally. The development would therefore be contrary to Policy LP35 of the Kirklees Local Plan and Policies within Chapter 16 of the National Planning Policy Framework.
3. The proposed development would lead to a harmful level of overlooking as a result of the proposed layout of habitable room

glazing to the front elevation of No. 45a, which would be elevated at ground floor level and project forward of the principal elevation, resulting in overlooking of habitable room glazing in the side elevation of No. 53 St Helens Gate and associated private amenity space contrary to Policy LP24 of the Kirklees Local Plan, policies within Chapter 12 of the NPPF and Principle 6 of the Housebuilders Design Guide SPD.

4. The proposed two-bedroom apartments on the ground and first floor, with one double and one single bed, would present poor standards of amenity for future occupiers, by reason of their size, with the gross internal floor area falling short of the minimum standards as set out in the Nationally Described Space Standards. Therefore, the development would be contrary to Policy LP24(b) of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and principles 16 of the Council's Housebuilders Design Guide.
5. As a result of the access, parking, visibility, and turning arrangements the development would lead to cramped and difficult turning manoeuvre into and out of parking spaces, increased parking demand upon St Helens Gate and see difficult turning manoeuvres whereby visibility to St Helens Gate is poor in both directions with intensification of this access having a harmful impact. The proposed access, parking, visibility, and turning arrangements and intensification of the access would have a harmful impact upon access and highway safety and parking failing to comply with Local Plan Policies LP21 and LP22, principles 12 and 13 of the Housebuilders Design Guide SPD and the policies contained within the National Planning Policy Framework.
6. As a result of the proximity of the balcony to a protected tree the development would threaten the viability of this tree, which is of significant amenity, resulting in future pressure to fell this tree. This would ultimately lead to a high likelihood of tree loss to the detriment of the visual amenity of the locality. This would be contrary to Policies LP2, LP24 and LP33 of the Kirklees Local Plan and Policy within Chapter 12 of the National Planning Policy Framework.
7. Based on the conclusions of the submitted Preliminary Ecological Appraisal, insufficient information has been provided insofar that a further phase two bat survey is required to be submitted, to assess the presence / likely absence of bats. In the absence of this information a full and proper assessment in light of policy LP30 of the Kirklees Local Plan and policies contained within Chapter 15 of the National Planning Policy Framework is able to be undertaken.

Plans and Specifications Schedule: -

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	003/001	-	23.07.24
Existing First	003/012	-	23.07.24

Floor Plan			
Existing Ground Floor Plan	003/011	-	23.07.24
Existing Lower Ground Floor Plan	003/010	-	23.07.24
Development Plan	003/001	A	23.07.24
Parking Layout	/01	-	23.07.24
Proposed Elevations	003/017	-	23.07.24
Proposed First Floor Plan	003/016	-	23.07.24
Proposed Ground Floor Plan	003/015	-	23.07.24
Proposed Lower Ground Floor Plan	003/014	-	23.07.24
Existing Elevations	003/013	-	23.07.24
Design and Access Statement	-	-	23.07.24
Heritage Supporting Statement	-	-	23.07.24
Aboriginal Report & Impact Assessment	AWA6111	-	23.07.24
The Statutory Biodiversity Metric	-	-	23.07.24
Aboriginal Report	AWA5994	-	23.07.24
Preliminary Ecological Appraisal (PEA) Survey Report	SQ-1987	-	23.07.24
Climate Change Statement	-	-	30.07.24

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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

In this instance, the case officer did not enter into negotiations with the applicant or planning agent, as it was concluded that, no amendments could

be sought or submitted to overcome the concerns raised, within the remit of the original description of proposal.

Report Dated: 

18.09.24
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