

**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>2024/62/92594/W</b>
Site Address:	39, Platnam Grove, Birkby, Huddersfield, HD2 2RH
Description:	Alterations to convert attached garage into habitable room (within a Conservation Area)
Recommending Officer:	Joanna Rednall

**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.**

John Holmes

***AUTHORISED OFFICER***

**Date: 21-Nov-2024**

## **The Site**

The application site is a detached dwelling located within the residential area of Birkby, Huddersfield. The dwelling is constructed from artificial stone, with a small white render finish on first floor front elevation and a grey concrete tile roof. The street scene consists of residential properties, built within the same estate. Whilst there are varying designs, these harmonise with one another and are two-storey in scale. Neighbouring dwellings are constructed from a similar palette of materials. The dwelling benefits from an integrated garage and offstreet parking to the front of the property.

The site is located within the Birkby Conservation area. There is a public right of way to the north of the site, but this is separated from the boundary fence by an open landscaped area ( HUD/346/10)

## **The Proposal**

The applicant is seeking planning permission for alterations to convert attached garage into habitable room (within a Conservation Area).

The existing garage door would be removed and replaced with a white PVC window. The external walling would be constructed using matching materials.

Internally, the room would serve a lounge.

## **Planning History**

Relevant planning history for this site is summarised as follows:-

2005/95145. Erection of 247 No. dwellings with garages, 44 no. apartments, change of use and alterations to convert existing building to 24 no apartments, with associated parking, access, public open space, play areas and pedestrian routes (within a conservation area).

Conditional Full Permission – 18/07/2006.

2006/95034. Modified proposal for erection of residential development of 278 dwelling units (substitution of house types) and revised layout, conversion and extension of office block to 37 no. 1-2 bed apartments (within a conservation area). Conditional Full Permission – 15/02/2007.

2007/91569. Variation of condition 3 relating to use of materials on previous approval 2006/62/95034/W2 for Modified proposal for erection of residential development of 278 dwelling units (substitution of house types) and revised layout, conversion and extension of office block to 37 no. 1-2 bed apartments (within a conservation area). Removal or Modification of Condition(s) approved – 05/07/2007.

2022/93260 Erection of single storey rear extension [within a Conservation Area]  
*Conditional full permission*

### **History of Negotiations**

No amendments have been sought in the processing of this application as it was considered acceptable as submitted.

### **Publicity & Representations**

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, this application has been publicised via neighbour notification letters, press advert and a site notice, due to being located within a conservation area. Final publicity date expired: 8<sup>th</sup> November 2024

4 letters (which includes hand-written letters, e-mails and on-line representations) of representation have been received. These are summarised as follows:-

#### **Letters of Support (x3)**

- Improves the visual appearance of the property
- Turns an underutilised area into a functional living space for occupiers

#### **Letters of Comment (x1)**

- Congestion in the area due to garages being removed
- Already limited off street parking availability
- Impact upon highway safety as a result of more on street parking

### **Consultations**

No statutory consultations were requested for this application.

## **Allocation & Policies**

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).

Local guidance and policy is provided by the Kirklees Local Plan (adopted February 2019) as such the following policy, guidance and legislation is considered relevant to the determination of this application:-

### **Kirklees Local Plan (LP)**

- LP1 Achieving Sustainable Development
- LP2 Place Shaping
- LP21 Highway Safety
- LP22 Parking Provision
- LP24 Design
- LP30 Biodiversity
- LP35 Historic Environment

### **National Policies and Guidance**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20<sup>th</sup> December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. Considered to be of relevance to the consideration of this application are policies within the following chapters: -

- Chapter 2 – Achieving sustainable development
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 16 – Conserving and enhancing the historic environment

### **Supplementary Planning Guidance**

House Extensions and Alterations SPD (June 2021)

## Legislation

The Town & Country Planning Act 1990 (as amended).

The Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise.

## Assessment

The following matters are considered in the assessment below –

1. Principle of development
  1. Impact upon the character and appearance of the area (including impact upon historic environment)
  2. Impact upon residential amenity
  3. Impact upon highway safety
  4. Other matters
  5. Representations
  6. Conclusion

### **1 – Principle of development:**

The site is without notation on the Kirklees Local Plan. Policy LP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. LP1 goes on further to stating that:

*The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal 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”.

## Impact on Birkby Conservation Area

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 of appearance of Conservation Areas. This is echoed within policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

Paragraph 205 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset the Local Planning Authority should give great weight to the heritage asset's conservation irrespective of the level of harm.

At paragraphs 205 – 207 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.

In this context, preservation means not harming the interest of the building itself, or the wider conservation area within which it is set. In this case, as set out earlier, the proposed works are relatively modest and seek to convert attached garage into habitable room. This would involve removing the garage door and replacing with a UPVC window. The external walls surrounding the new opening would be constructed from materials to match the host property. It is considered that the impact of this work would have a neutral impact on the significance of Birkby Conservation Area, would preserve its setting and is not considered to lead to harm to the significance of the Conservation Area.

In this case, the principle of development in this application is acceptable and shall be assessed against the applicable material planning considerations within the following report.

## **2 – Impact on character and appearance of the area**

Policy LP24 (Design) of the Council's adopted Local Plan sets out that proposals should promote good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers. Paragraph 135 of the NPPF is also of relevance to the consideration of this application.

Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the

character of the locality. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

The garage door would be removed and replaced with a white UPVC window with stone cill to match the existing fenestration on the house. The external walling around the window would be constructed using natural stone, this would match the materials used on the host and would have an acceptable visual impact on the original house.

With regard to the wider street scene, it does not appear that neighbouring properties within the cul-de-sac have undergone similar alterations and appear to feature their original integral garages within the front elevation. However, officers note the integral garage at the application property is set well back from the pavement and the property is not within a prominent location. Given the proposed window and construction materials would match the host property and material palette of the locality, the alterations of the garage which are proposed are not considered to have a detrimental impact to visual amenity. A condition to ensure matching materials are used is recommended.

It is therefore considered that, subject to condition, in terms of visual amenity, the proposed would comply with Policy LP24 and LP35 of the Kirklees Local Plan, the adopted House Extensions and Alterations SPD, and policies within Chapters 12 and 16 the National Planning Policy Framework.

### **3 – Impact on residential amenity:**

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

The application to convert attached garage into habitable room would result in an additional window to the front elevation at ground floor level. This would face the driveway of 27, Platnam Grove (~16 metre separation distance), as well as the rear amenity space of No.25 (~14 metre separation distance). Given the separation distance and street scene in turn, the proposed alterations at 39, Platnam Grove are not considered to cause undue overlooking / overshadowing / overbearing impacts over and above that which exists already.

It is therefore considered that in terms of residential amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the adopted House Extensions and Alterations SPD, and advice within Chapter 12 of the National Planning Policy Framework.

#### **4 – Impact on highway safety:**

Policies LP21 and LP22 of the Kirklees Local Plan and policies within chapter 9 of the NPPF 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.

Whilst it is recognised that there would be a loss of parking provision as a result of the proposal, there is a driveway to the front of the property which can accommodate off street parking. It is also noted that there is sufficient space within the site boundary to accommodate bin storage and therefore would comply with Key Design Principle 16 of the SPD.

The planning history of the site is noted, use of the garage for purposes not related to vehicular parking appear to be able to be undertaken in any event. As such it is considered that in this case it would be unreasonable of the LPA to insist upon the garage space to remain. The dimensions of the garage internally are 2.7 x 5m which is under the recommended standard for vehicular parking. As such, taking account of these considerations it is considered that whilst off street parking remaining available would be limited, it would not be less than that which is available in any event should the garage cease to be used for vehicular parking in any case. As such it is considered a reason for refusal on this basis could not be substantiated.

It is therefore considered that in terms of access and highway safety / parking the proposed would be acceptable having regard to Policies LP21 and LP22 of the Kirklees Local Plan, principle 15 of the Council's Street Design Guide and chapter 9 of the National Planning Policy Framework.

#### **5 – Other matters:**

##### *Ecology*

Chapter 15 of the National Planning Policy Framework are 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. 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.

### *Climate Change*

On 12<sup>th</sup> 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 pre-dates 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.

Considering the modest nature of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. A Climate Change statement has been submitted with this application.

### **6 – Representations:**

- Improves the visual appearance of the property  
*Officer response: This is noted. This comment has been considered under section 2 of this report.*
  
- Turns an underutilised area into a functional living space for occupiers  
*Officer response: This is noted.*
  
- Congestion in the area due to garages being removed
- Already limited off street parking availability
- Impact upon highway safety as a result of more on street parking

*Officer response: This is noted. These points are addressed within Section 4 of this report.*

## **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 Powers**

**Application Number: 2024/92594**

**Officer Recommendation: Approve**

### **Conditions**

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 (as amended).

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 & LP35 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 9, 12 and 14 of the National Planning Policy Framework

3. Notwithstanding the plans submitted the external materials of construction used in the construction of the development hereby approved shall in all respects match those used in the construction of the existing building and be retained thereafter.

**Reason:** In the interests of visual amenity and in accordance with Policies LP01, LP02, LP24 & LP35 of the Kirklees Local Plan, Principles 1 and 2 the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapters 12 and 16 of the National Planning Policy Framework.

**NOTE:** Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 42 of the The Conservation of Habitats and Species Regulations 2017. 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	PP-13396711v1	-	11/09/2024
EXT & PROP PLANS	HD22RH39-v1	-	26/09/2024
EXT & PROP ELEVATIONS	HD22RH39-v1	-	26/09/2024
Application form	-	-	11/09/2024
Design and Access Statement	-	-	11/09/2024
Climate Change Statement	-	-	26/09/2024

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 amendments were sought as it was considered that the proposal was acceptable as submitted.

**Report Dated:**

18/11/2024

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