

**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:	2025/62/91036/W
Site Address:	62, Fitzwilliam Street, Huddersfield, HD1 5BB
Description:	Use of building as 6 bed House of Multiple Occupancy (HMO) for up to 12 persons (within a Conservation Area)
Recommending Officer:	Edward Cheseldine

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.

Emma Thompson

AUTHORISED OFFICER

Date: 26-Jun-25

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Officer Report

2025/91036 - 62, Fitzwilliam Street, Huddersfield, HD1 5BB

Site Description

62 Fitzwilliam Street is a two-storey, terrace property, constructed with stone exterior walls and stone slate roof. The property has a traditional appearance with sash type openings and simplistic fenestration. It is adjacent to a pub and other domestic dwellings with the terrace row. The pub is grade II listed. To the south is a retaining wall that forms part of the Huddersfield central railway network.

The application site is within the Huddersfield Town Centre boundary and Huddersfield Town Centre Conservation Area in the Kirklees Local Plan proposals map.

Proposal Description

The applicant is seeking permission for the use of building as 6 bed House of Multiple Occupancy (HMO) for up to 12 persons (within a Conservation Area).

There will be no internal or external changes to the building.

Planning permission is required as the number of occupants within the unit will be over 6.

Amendments/Negotiations

It was not deemed appropriate to negotiate the intensification of the residential use of the building given the application is for a change of use only.

Public Representations

The application was advertised by way of a site notice, which expired on 03-Jun-2025. As a result of the publicity, there were no representations.

The application is for a change of use, with no internal or external alterations, furthermore it is not considered the change of use will affect the setting of a designated heritage asset. The application has not been advertised via a press notice.

Consultations Responses

KC Environmental Health – Informal advice, no objection, advice given on conditions, however conditions within the remit of Environmental Health were not recommended.

Relevant Planning History

2012/91924 - Change of use and alterations to convert existing bedsit property to HMO student accommodation (Within a Conservation Area) – Withdrawn

Policy & Legislation

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is located Huddersfield Town Centre Boundary and the Huddersfield Town Centre Conservation Area on the Kirklees Local Plan proposals map.

Kirklees Local Plan:

- **LP 1** – Presumption in favour of sustainable development
- **LP 2** – Place shaping
- **LP 7** – Efficient and effective use of land and buildings
- **LP11** – Housing Mix and Affordable Housing
- **LP 13** – Town centre uses
- **LP 15** – Residential use in town centres
- **LP 20** – Sustainable travel
- **LP 24** – Design
- **LP 30** – Biodiversity & Geodiversity
- **LP 35** – Historic Environment
- **LP51** – Protection and Improvement of Local Air Quality
- **LP52** – Protection and Improvement of Environmental Quality

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, 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.

- **Chapter 2** – Achieving Sustainable Development
- **Chapter 4** – Decision Making
- **Chapter 5** – Delivering a Sufficient Supply of Homes
- **Chapter 7** – Ensuring the Vitality of Town Centres
- **Chapter 8** – Promoting Healthy and Safe Communities
 - **Chapter 9** – Promoting sustainable transport
 - **Chapter 11** – Making Efficient Use of Land
- **Chapter 12** – Achieving Well-Designed Places
 - **Chapter 15** – Conserving and enhancing the Natural Environment
 - **Chapter 16** – Conserving and enhancing the Historic Environment

Other Material Considerations:

- Kirklees Highways Design Guide SPD (2019)
- Waste Management Design Guide for New Development (Version 5, October 2020)
- Kirklees Housebuilders Design Guide SPD (2021)
 - UK Government Biodiversity Netgain PPG (2024)
 - Nationally Described Space Standards (UK Gov)

Assessment

The following matters are considered in the assessment below: -

- 1) Principle of Development
- 2) Impact on Visual Amenity
- 3) Impact on Residential Amenity
- 4) Impact on Highway Safety
- 5) Environment Matters
- 7) Conclusion

Principle of Development

Sustainable Development

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which

includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal. 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 assessed.

The site is located within the Huddersfield Town Centre Boundary and Huddersfield Town Centre Conservation Area on the KLP Policies Map. Policy LP2 states that:

“All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below...”

Residential Town Centre Use

The site is located within the Huddersfield Town Centre boundary, whereby policy LP13 of the Kirklees Local Plan is relevant. The policy encourages development that supports a strong, diverse economy that serves the local community by encouraging the vitality and viability of existing town centres. In order to contribute positively to the mixed-use aims of LP13, town centres should be *‘inclusive places for all users and attractive places for pedestrians, cyclists and public transportation users. In order, to conserve and enhance this, the local character, heritage and the public realm should be a focus of future development.’*

Paragraph 90 of the NPPF supports a mixed-use town centre that includes housing to grow and strengthen town centres. Residential development in town centres is supported in the Kirklees Local Plan under LP15 so long as it does not conflict with the purposes of a Town Centre.

The application building currently serves as a domestic dwelling. To this regard the residential nature of the building will not be altered under the proposal satisfying the criteria of LP15 and LP13.

Historic Environment

The application site is adjacent to a grade II listed building, and within the Huddersfield Town Centre Conservation Area. The change of use is from a residential dwelling to a House of Multiple Occupation. The change of which is not considered to impact the setting of the mentioned designated heritage

assets. Nevertheless, a assessment has of relevant policy has been made below.

Section 66 (1) 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 or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 (1) requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

In respect of the Huddersfield Town Centre Conservation Area and setting of the adjacent building, which is grade II listed, the application is for a change of use to the building. There are no external changes to elevations of the building therefore the historic and archaeological significance of the heritage assets will not be affected.

Paragraph 212 of the NPPF states that:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

Paragraph 214 goes on to state 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.”

There are no external alterations proposed, the development will not result in any impact to the historic assets or their setting.

Housing Mix

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

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

Conclusion

Development will alter an existing residential development, converting it into 6 double occupancy bedrooms (HMOs). The changes will not alter the current placement of residential accommodation being within the Town Centre boundary. In addition, there are no external alterations that will affect designated historic assets.

Whilst Policy LP11 of the Kirklees Local Plan promotes the diversification of the existing housing stock, it is stated that factors relating to amenity and design should be taken into account, therefore a balance will be taken when factors in consideration of visual amenity, residential amenity, highway safety and environmental matters are concluded in the below paragraphs.

Impact on Visual Amenity

The NPPF offers guidance relating to design in Chapter 12 (achieving well-designed places) whereby paragraph 131 provides a principal consideration concerning design which states:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”

There are no external changes proposed to the elevations or site. In terms of this, as there are no changes, there will not be an impact to visual amenity.

Impact on Residential Amenity

Section B of LP24 states that development should:

“provide a high standard of amenity for future and neighbouring occupiers.”

Further to this, Paragraph 135(f) of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Submitted plans indicate there will not be any changes to the internal floorplan layout, there will only be an intensification of use within each bedroom and for shared spaces.

In terms of an impact to neighbours, it is considered that current privacy relations will remain as before, as window openings will remain the same, nor will there be a loss of light, outlook or an overbearing impact as there are no extensions or alterations to the building.

Impact on the Amenity of Future Occupiers

There will however be a material change that results in impacting the standard of living accommodation enjoyed by current and future occupiers. The Nationally Described Space Standards do not contain specific space standard for HMOs, although it indicates a double bedroom space should have an internal floor space of 11.50m², the measure does not account for living and storage space, it is for a double bedroom only in houses where occupants live as a family.

Nationally Described Space Standards do not include floor space calculations for the number of bed spaces (12) living over 4 storeys.

The submitted floor plans outline that each of the double bedrooms will have the following internal floor areas (not including en-suite):

- Bedroom 1: 13.40m²
- Bedroom 2: 11.85m²
- Bedroom 3: 8.45m²
- Bedroom 4: 14.40m²
- Bedroom 5: 16.20m²
- Bedroom 6: 16.00m²

Bedroom 3 would be below the threshold for internal double bedroom standards. Bedroom 2 would be considered to be at the minimum end of the scale. Bedrooms 1 & 4 could not be described as generous spaces. All rooms include an ensuite. The floor space of the ensuites would not amount to functionable space that could be utilised by a resident to accommodate amenity functions. Residents of each room, but in particular bedrooms 1, 2 & 3 would rely on the living room to fulfil leisurely activities when accounting for functional space left within each unit when taking into account a double bed, storage for two people and doorways. The amount of functional space will be unsuitable in providing living accommodation for two people solely within the rooms. Occupants would therefore be reliant on shared living facilities to fulfil these activities. Whilst this may be acceptable under certain circumstances, it will depend on relevant matters assessed below.

NDSS recommends that a double occupancy room should have built-in storage facilities with a minimum footprint of 1.5m². When accounting for storage bedroom 3 would not meet the requirements for suitable storage space when accounting for a double bed. Given the levels of occupancy within the building, all occupants should be supplied with sufficient storage space within each room. Officers would raise concern the level of private storage space is not suitable for the proposed purpose and use.

A living room and a kitchen will be provided within the basement level of the building. These areas provide shared accommodation for 12 people. The living room will be 3.80m(w) x 4.00(l). A kitchen will be provided which will be 4.30(w) x 4.50(l). They will provide the sole functionable amenity space. When observed from highway level, only the very top of the window opening of the kitchen is present. At the time the site visit took place, Officers could not see evidence of the basement window shown on existing grouped plan drawing 05 rev03. A window is however shown on proposed grouped plans drawing 06. From observing levels of the rear plot, a window could be installed, which would be a maximum of 6 courses, although given the frame and installation of a lintel, the outlook would likely be much smaller.

Occupants of the building would be reliant on the shared amenity rooms for kitchen use. Officers have significant concerns over the impact of development would have in achieving a high standard of amenity for future occupiers, in particular outlook, natural light and being overbearing, given the openings that can be achieving in the kitchen area and living room. Given the limited space within the rooms themselves and the fact there are no cooking facilities within the rooms there will be a daily reliance on these areas. No sections have been provided to show the proposed outlook, however given the limited proximity of the kitchen window to the highway and land levels to

the rear, a satisfactory opening could not be achieved. This will result in an oppressive and unacceptable standard of living for occupiers.

It is considered that all bedrooms have suitable openings to provide an adequate level of light, however based on the dependency of living and kitchen facilities this would not overcome the concern raised to provide a good standard of living for occupants.

When considering the limitations of floor space and what they can offer in terms of amenity, Officers cannot support the intensification of usage to double occupancy of each room which would affect the usability of the shared amenity given its overall reliance for each unit. It would result in a poor standard of residential accommodation regarding outlook and daylight to the shared habitable rooms within the cellar. The proposal would fail to offer adequate storage space or a satisfactory outdoor amenity space to relieve the poor standard of amenity.

When considering the unacceptable impacts on residential amenity for the future occupants of 62 Fitzwilliam Street in relation to poor outlook, overbearing and adequate daylight levels from the shared habitable room, the proposal is contrary to Policy LP24b) of the Kirklees Local Plan, national Government guidance contained within Chapter 12 of the NPPF and Nationally Described Space Standards.

Impact on Highway Safety

Paragraph 116 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*'. The thrust of Chapter 9 promotes sustainable transport methods.

Policy LP21 states all proposal should ensure the safe and efficient flow of traffic within the development and on the surrounding highway Network.

Policy LP22 and the Kirklees Highways Design Guide Supplementary Planning Document are relevant insofar as they relate to parking provisions.

Key Design Driver 20 of the adopted Kirklees Highways Design Guide Supplementary Planning Document (SPD) states 1-bedroom apartments should be provided with one parking space.

Taking the scheme into consideration, the site is located in a sustainable location. It is in a town centre location, being within a reasonable distance to local shops. Huddersfield train station is a 4 minute walk and Huddersfield bus

station is a 7 minute walk from the site. Due to its location, it is not necessary to provide off-street parking. Fitzwilliam Street has managed parking, for resident permit holders, limiting the impact from on-street parking to be to the detriment of the safety of the wider highway network.

Due to the sustainable location of the site, it is considered the development accords with Policy LP21 & LP22 of the Kirklees Local Plan and the thrust of Chapter 9 of the NPPF.

Environmental Matters

BNG & Ecology

Paragraphs 187, 193, 194 and 195 of 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.

The site is located adjacent to a swift alter layer. The proposal is for a change of use, a new building or extensions will not be erected, it is therefore considered to be unreasonable to provide an ecological or habitat uplift.

In terms of Biodiversity Net Gain as set out by the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). The development is considered to benefit from exemption as set out by The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

The applicant has indicated the development would be exempt from the applicant achieving a BNG uplift as it falls under the di minimis exemption. Officers are satisfied that the change of use would not result in a loss of habitat over 25m².

Noise

Kirklees Local Plan Policy LP52 ensures the protection of development from noise or disturbance from nearby noise generating sources.

The application site is adjacent to a pub, whilst being in close proximity to Huddersfield railway line and a busy intersection. The building currently has a residential use. Whilst planning permission is required for the number of people living within HMO accommodation, the residential nature of the

building will not change. Officers therefore considered noise mitigation measures would not be reasonable.

Odour

Kirklees Local Plan Policy LP52 ensures development does not cause harmful odour pollution within either a public area or at neighbouring premises in the interest of amenity.

The site is located close to a pub and hot food takeaway which may produce odours. Planning permission is required for the number of people living within HMO accommodation, the residential nature of the building will not change. Officers therefore considered a condition to provide an odour assessment or mitigation would not be reasonable given the existing use of the site.

Conclusion

The application for a change of use at 62 Fitzwilliam Steet has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations.

The change of use will result in an intensification of the use of bedrooms which do not have an appropriate internal floorspace to accommodate a suitable level of amenity. Residents would rely on communal space to carry out these functions, which does not have a suitable outlook or level of natural light, which would result in an oppressive, overbearing impact to future occupiers.

The provision of HMO accommodation, within Huddersfield Town Centre would not be considered to outweigh the detrimental impact to the amenity of occupiers given the type of accommodation provided would be of an unacceptable standard in terms of residential amenity.

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. As the change of use is considered to be to the detriment of residential amenity, the application is recommended for refusal based on all material considerations.

Recommendation: Refuse

Reason(s) for Refusal:

1. The proposed development, by reason of the limited amount of useable internal floor space, including storage space, within bedrooms 1, 2 & 3, along with reliance on shared spaces, would provide a poor standard of amenity to future occupiers. The proposed use of the basement would provide a poor level of outlook and be oppressive with low levels of natural light for the shared amenity of future occupiers. Therefore, the development would be contrary to the aims of paragraph 130(f) of the National Planning Policy Framework and Policy LP24(b) of the Kirklees Local Plan and Nationally Described Space Standards.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	-	-	14 April 2025
Existing grouped plans	05	03	14 April 2025
Proposed grouped plans	06	-	14 April 2025
Design and access statement	-	-	14 April 2025
Conservation/Heritage Assessment	-	-	14 April 2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority has, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application.

It was not deemed necessary to negotiate on the intensification of the residential use of the building given the application is for a change of use only.

