

**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>2025/62/91207/E</b>
Site Address:	Hillcrest, Hill Crest Road, Savile Town, Dewsbury, WF12 9NX
Description:	Alterations to convert 2 apartments into one 11 Bedroom HMO
Recommending Officer:	Danielle Cooper

**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:** 10<sup>th</sup> July 2025

## **Officer Report**

**Reference:** 2025/91207

**Location:** Hillcrest, Hill Crest Road, Savile Town, Dewsbury, WF12 9NX

**Proposal:** Alterations to convert 2 apartments into one 11 Bedroom HMO

### **Site Description.**

Hillcrest is a traditional stone built semi-detached dwelling. The dwelling is two storey and also accommodates usable floor space within the basement and within the roof. Soft landscaping is situated to the front of the dwelling. The site is accessed off of Hill Crest Road via vehicular access and a gate for pedestrians. A driveway to the side of the site leads to a detached garage.

Boundary treatment consists of stone walls and hedging. The north eastern boundary of the site is a high wall which acts as a retaining wall, with the side and rear amenity space and site being at a higher land level. The rear of the site is at a lesser visibility from the street due to the land level changes.

The site is located within a predominantly residential area.

### **Description of Proposal.**

Planning permission is sought for alterations to convert 2 apartments into one 11 Bedroom HMO.

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

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

- Basement floor – 2 bedrooms.
- Ground floor – 2 bedrooms, lounge, kitchen, shared bathroom.
- First floor – 4 bedrooms, kitchen, shared bathroom.
- Loft floor – 3 bedrooms, shared bathroom.

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

The case officer sought amended plans, to include on site parking, cycle storage and bin storage / collection points. The agent provided a block plan to address these comments.

The case officer also sought amended plans with regard to the internal layout of the scheme, to provide a suitable shared living area, for reasons of securing higher levels of residential amenity for future occupiers. As a result of this amendment, which increased the level of space within the property for use by all residents, the description of proposal was amended from 12 bed HMO to 11 bed HMO.

Given the scheme reduced down the scale of the proposal it was not considered necessary for further publicity of the revised description in this case.

### **Relevant Planning History.**

None.

### **Representations.**

We are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via a site notice.

Final publicity date expired: 30th June 2025.

No representations have been received.

### **Consultation Responses.**

**KC Highways** – No objection subject to a condition relating to on street parking management plan or to revise the plans to include on site parking.

*Officer comment:* The agent submitted a revised block plan to show 3 on site parking spaces to the north-east corner of the site.

*KC Strategic Housing* - The development proposed is one 12-bedroomed HMO dwelling, as it is under the 11 or more dwellings threshold, no affordable housing is required.

### **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 within the Strategic Green Infrastructure Network as identified within the Kirklees Local Plan, and falls in proximity to potential contaminated land, an area in with a known presence of bats and in an area at risk of land instability as a result of former mining activity (as identified by the Mining Remediation Authority).

### **Kirklees Local Plan:**

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP11 – Housing Mix and Affordable Housing

- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design
- LP51 – Protection and Improvement of Local Air Quality
- LP53 – Contaminated and Unstable Land

### **Supplementary Planning Guidance and Other Considerations:**

- Highways Design Guide SPD
- Nationally Described Space Standards
- Waste Management Design Guide for New Developments (Oct 2020, v.5)

### **National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2023, together with Circulars, Parliamentary Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving Sustainable Development
- Chapter 4 – Decision-Making
- Chapter 8 – Promoting Healthy and Safe Communities
- Chapter 11 – Making Efficient Use of Land
- Chapter 12 – Achieving Well-Designed Places
- Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Chapter 15 – Conserving and Enhancing the Natural Environment

### **Legislation:**

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

### **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) Other matters
- 6) Representations
- 7) Conclusion

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

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

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

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

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

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that *“good design should be at the core of all proposals in the district.”*

### Housing Mix:

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

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

The principle of the use of the building as an HMO is considered acceptable on the basis it is considered to be acceptable against all other material considerations including the character of the area, residential amenity and highway safety which is discussed in greater detail in the following report.

## **2) Impact on Visual Amenity**

### 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.

There will be no alterations to the host building and as such there are no concerns in relation to impact upon visual amenity. The development will have a largely neutral impact in this regard, other than the installation of a bike shelter, bin enclosure and creation of 3.no parking spaces.

The visual impact of the development is not considered to be significant in this case given the scale of the alterations, and their siting towards the rear of the site. Conditions to ensure they have an acceptable visual appearance and are in accordance with the details submitted are recommended.

Subject to conditions the proposal is considered to accord with policy LP24 of the Kirklees Local Plan.

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

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

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

Principle 6 of the Housebuilders Design Guide sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.

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

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

*Impact on Surrounding/Neighbouring Occupants:*

All existing windows will be utilised. There are no concerns to increased overlooking, overbearing or overshadowing impact to neighbouring residential properties given the nature of the proposal and fact that habitable windows to the front and rear are in place already, and no residential occupiers are opposite the eastern elevation of the site

The proposal is not considered to significantly increase the impact to neighbouring occupiers than that which exists already given the building would not be altered and the use would be largely of a similar scale to that of the existing dwelling.

The proposal is not, therefore, considered to result in any detrimental impacts regarding noise given that the current property is of residential accommodation and its new use is to remain the same and is not considered to have a detrimental impact with regard to overlooking, oppressiveness or being unduly overbearing.

#### Impact on Future Occupiers:

In terms of the amenities of the proposed occupiers, the Kirklees Housebuilders Design Guide SPD is used as a guide on the following: Principle 16 states that *“All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers.”* Further to this, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *“All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces.”*

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

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

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

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

With regard to the size of bedrooms, this document sets out that where a separate common room is provided which is not a kitchen or a kitchen/dining room, each bedroom should have an internal floor area of 6.5m<sup>2</sup>. From reviewing the proposed floor plans, all 11 bedrooms are in accordance with the required 6.5m<sup>2</sup>.

Furthermore, officers note that all of the bedrooms are served by a window. Whilst the windows to serve bedrooms 1 and 2 would have more limited natural light levels serving them, due to these windows being at basement level and served by a light well, given the communal living space available within the building, it is not considered that this would result in an undue level of amenity for the future residents of these bedrooms. Upon any grant of approval, conditions are recommended to be imposed to ensure that the communal living room at ground floor is retained.

The document goes on to assess shared accommodation and states each living room should have a minimum living room size of 8m<sup>2</sup> plus an additional 1m<sup>2</sup> per person. Which would mean this HMO would require a living room size of at least 20m<sup>2</sup>. The living room shown on plan is annotated on the submitted floor plan to be 27m<sup>2</sup>. Upon any grant of approval, a condition shall be imposed to ensure that this living room remains as such.

In terms of outdoor amenity space, amenity space is provided to the front, rear and side of the dwelling and is considered adequately to serve the future occupiers of the HMO.

To ensure the development is within the parameters as set out in the submitted plans conditions ensuring the provision of shared space (lounge) and which restricts the bedroom number to 11 are recommended.

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

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

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

The application site is located at the junction of Caledonian Road and Hill Crest Road. Caledonian Road links the B6409 Saville Road to Hill Crest Road which is a residential cul-de-sac.

Access to the property is shown to remain as existing via Hill Crest Road.

The proposal includes the removal of the garage so that 3 on site parking spaces can be provided within the north-east corner of the site. There is also available on street parking along Caledonian Road. Given the sufficient on street parking available, along with 3 on site car parking spaces to be provided, the LPA consider the impact on highway safety to be acceptable and would not result in any adverse harm.

A condition will be implemented to ensure the proposed parking area is implemented and is surfaced and drained accordingly.

Given the above, it is therefore not considered necessary to request the agent to submit a management plan of parking along Caledonian Road and Hill Crest Road.

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

Cycle and bin storage is located to the rear of the building which is considered acceptable. Bin collection is located next to the access, adjacent Hill Crest Road which is considered acceptable. A condition will be implemented to ensure the proposed cycle parking is implemented.

As such, the proposal is considered to accord with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 12 of the NPPF.

## **5) Other Matters**

### Climate Change:

On the 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

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

### Ecology:

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

Principle 7 of the Housebuilders Design Guide Supplementary Planning Document is also of relevance. Which seeks to ensure existing features such as trees, habitats and landscape features are retained. Principle 9 requires that net gains in biodiversity are provided.

A Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021, subject to some limited exceptions. Unless exempt, every planning permission for minor sites granted pursuant to an application submitted after 02 April 2024 is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

The applicant has stated the application falls under the '*Di-Minimus*' exemption category within the application forms. A change of use would not result in a loss of wildlife habitat. Therefore, the officer agrees, the application is exempt from a BNG uplift.

Given the nature of the proposal it is considered that it would be unreasonable of the LPA to insist upon a scheme of measures to be incorporated to provide a degree of net gain on the site, taking account the scale and nature of the scheme and the fact it relates to an existing site already in residential use.

## **6) Representations**

None.

## **7) Conclusion**

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. Policy LP2 of the Kirklees Local Plan sets out that all proposals should address challenges identified in the Local Plan, with Policy LP24 of the Plan stating that good design should be at the core of all proposals in the district.

This application has been assessed against relevant policies in the development plan and other materials considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

**Recommendation: Approve**

**Decision Authorisation:** Delegated Powers

**Application Number:** 2025/91207

**Officer Recommendation:** Approve

### **Conditions and Reasons:**

1. The development hereby permitted shall be begun within three years of the date of this permission.  
**Reason:** To ensure compliance with Section 91 of the Town and Country Planning Act 1990.
2. The development hereby permitted shall be carried out in complete accordance with the plans and specification schedule listed in this

decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

**Reason:** For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP11, LP21, LP22, LP24, LP35, LP51 and LP53 of the Kirklees Local Plan, Principles 2, 5, 6, 12, 13, 14, 15 16, 17, 18, 19 of the Housebuilders Design Guide Supplementary Planning Document and Chapters 2, 4, 8, 11, 12, 14, 15 and 16 of the National Planning Policy Framework.

3. Notwithstanding the submitted plans, the living room at ground floor level, as shown on Dwg No. 02 Rev A, shall be used as a living room only and shall not function as bedroom space at any time throughout the lifetime of the operation of the building.  
**Reason:** In the interests of the amenity of future occupiers of the site and to accord with Policy LP24 of the Kirklees Local Plan, Principle 16 of the Housebuilders Design Guide SPD and Chapter 8 of the National Planning Policy Framework.
4. The approved HMO use shall not be occupied until all areas indicated to be private drives on Drawing No. 01 Rev C, are laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for parking thereafter.  
**Reason:** In the interests of visual amenity and traffic safety, to mitigate flood risk arising from surface water run-off, to ensure adequate space within the site for vehicle movements and parking and to comply with Policies LP24 and LP28 of the Kirklees Local Plan and Chapters 9 and 12 of National Planning Policy Framework.
5. The development hereby approved shall not be occupied until the secure and sheltered cycle parking spaces as shown on Drawing No. 01 Rev C and detailed within the submitted document titled '12 Space Cycle Shelter & Bike Stands' have been provided. The approved facilities shall thereafter be retained free of obstructions and available for cycle parking throughout the lifetime of the development.  
**Reason:** In the interests of visual amenity and to comply with the Council's sustainability objectives set out in policies LP21, LP22 & LP24 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework.
6. The development hereby approved shall not be brought into use until the bin enclosure as demarked upon drawing 01RevC has been provided. The approved bin storage area shall be enclosed with a close

boarded timber fence which is no greater than 2m in height and which shall be thereafter retained for waste storage.

**Reason:** In the interests of visual amenity to accord with policy LP24 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework.

7. At no time shall the property exceed 11.no bedrooms for use as part of the House in Multiple Occupation hereby approved.

**Reason:** In the interests of the amenity of future occupiers of the site and to accord with Policy LP24 of the Kirklees Local Plan, Principle 16 of the Housebuilders Design Guide SPD and Chapter 8 of the National Planning Policy Framework.

Plans and Specifications Schedule: -

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	01	C	26.06.25
Existing and Proposed Plans	02	A	26.06.25
Document titled '12 Space Cycle Shelter & Bike Stands'	-	-	26.06.25
Climate Change Statement	-	-	15.05.25

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application. The case officer sought amended plans, to include on site parking, cycle storage and bin storage and collection points. The agent provided a block plan to address these comments.

Report Dated:

08/07/2025

