

**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: | 2025/62/91384/E |
| Site Address: | 17, Market Street, Heckmondwike, WF16 0JY |
| Description: | Change of use of existing basement from storage (Class B8) to a single-person House in Multiple Occupation (Class Sui Generis), including internal alterations |
| Recommending Officer: | Nina Sayers |

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: 14-Oct-25

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Officer Report

Site Description

17 Market Street, Heckmondwike, WF16 0JY

The application relates to 17 Market Place, a three-storey, semi-detached property in Heckmondwike. The property currently serves a retail unit on the ground floor and two residential units on the first and second floors. The property fronts the highway and there is a small yard area to the rear.

The area surrounding the property serves a mixture of residential and commercial units which all vary in design. The site is located within Heckmondwike Town Centre and within the Strategic Green Infrastructure Network. The site boundaries a small open space as allocated within the Kirklees Local Plan. The property is not within a conservation area and is not listed.

Description of Proposal

The applicant is seeking permission for the change of use of existing basement from storage (Class B8) to a single-person House in Multiple Occupation (Class Sui Generis), including internal alterations.

The scheme proposes to change the use of the rear basement level room from storage into a bedroom which would form part of the HMO (approved under application 2023/93593 in the rest of the building). The scheme would also step down the existing rear yard to lower the ground level adjacent to the basement window.

History of negotiations/amendments received

No amended plans were sought or provided.

Relevant Planning History

94/93518 Variation of condition 4 relating to number of children on previous permission 83/62/06365 for use of part of dwelling for day nursery

2000/93461 Outline application for demolition of existing fish shop and erection of building to form up to four flats. Conditional outline permission.

2008/04370 Erection of conservatory. Conditional full permission.

2023/91421 Change of use and alterations from two flats and one retail unit to form six bedsits and the retention of one retail unit. Refused.

2023/93593 Change of use and alterations from two flats and one retail unit to form HMO and the retention of one retail unit. Conditional full permission.

Representations

The application was advertised by site notice and was publicised online. Final publicity expired 7th August 2025.

No representation was received.

Consultation Responses

KC Designing Out Crime Officer – no objections.

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 Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), both require development to be considerate in terms of the character of the host property and the wider street scene.

The site is located within Heckmondwike Town Centre within the Kirklees Local Plan.

Kirklees Local Plan:

- **LP1** – Achieving sustainable development
- **LP2** – Place shaping
- **LP7** – Efficient and effective use of land and buildings
- **LP15** – Residential use in town centres
- **LP21** – Highways and access
- **LP22** – Parking
- **LP24** – Design

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 12th 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 7 – Ensuring the vitality of town centres
- Chapter 12 – Achieving well-designed and places

Other Material Considerations:

- Kirklees Highways Design Guide SPD (2019).
- Kirklees Housebuilders Design Guide SPD (2021).
- Nationally Described Space Standards

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:

The site is located within Heckmondwike Town Centre on the Kirklees Local Plan (KLP). National Planning Policy Framework (NPPF) Chapter 7, paragraph 90: *f) recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.*

Policy LP1 of the KLP 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 NPPF. The proposal is for change of use of basement storage to serve part of a HMO.

Policy LP15 provides guidance for the development of residential uses within defined town centres. Paragraph 9.25 states that 'the principle for the provision of residential accommodation in town centres is supported provided it does not lead to an adverse impact on the operation of the towns retail core or would reduce space for other main town centre uses if outside of the primary shopping area'.

Policy LP15 outlines that proposals for residential uses (including student accommodation) within the defined town centres as set out on the Policies Map will be supported subject to:

- a) the protection of primary shopping areas, primary and secondary shopping frontages, and space for other main town centre uses within the defined centre. Residential proposals in these areas shall normally only be permitted on upper floors, and shall not prejudice existing established uses;
- b) the protection of the character of the centre, and the local street scene. Proposals should retain and enhance the design and heritage features of buildings;
- c) the protection and retention of existing ground floor uses and active frontages both within and outside the primary shopping area,
- d) the protection of the amenity of existing residents and future occupiers of the proposed residential use in accordance with amenity and design policies within the plan, and will in particular consider matters such as privacy, noise and air quality;
- e) the provision of space for the storage of sustainable modes of transport such as bicycles, where appropriate charging points of electric vehicles, and access to public transport;

- f) the provision of space for vehicular parking which is appropriate to the scale of the proposal, particularly where it would otherwise cause highway and pedestrian safety concerns;
- g) provision of affordable housing in accordance with policies set out in the Local Plan; and
- h) the provision of refuse storage and collection

The application site is not located within the primary shopping area or within a primary shopping frontage. The proposal relates to a street which hosts a variety of residential and commercial uses. The proposed use would retain the ground floor shop frontage and there would be no external work to the façade of the building. Therefore, the proposal is considered to comply with sub-paragraphs a), b) and c) of LP15 as well as Chapter 7 of the NPPF.

Officers have some concerns regarding the standard of amenity for future occupants therefore a full assessment of the impact on residential amenity will be undertaken in section 3 of this report to determine if the proposal complies with sub-paragraph d) of LP15.

There is a bus stop located directly outside the property and the application site is ~150m south of Heckmondwike Bus Station. Therefore, there is considered to be adequate public transport links to facilitate additional residential use. There is no parking provision at the site however, given the application is located within a defined town centre, and due to the local transport links, this is considered acceptable in this instance. There would be sufficient space in the rear yard for storage of refuse. Therefore, the scheme complies with sub-paragraphs e), f) and h) of LP15.

In this case, subject to the compliance with sub-paragraph d) of LP15 of the Kirklees Local Plan, the principle of development could be considered acceptable. The proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety. These issues along with other policy considerations will be addressed below.

2 – Impact on visual amenity

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed and places) whereby 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...”

Paragraph 134 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

The proposed development would not involve any works to the exterior of the front of the property. To the rear, the yard would be stepped down to allow more light into the basement window. This is not considered to cause any significant harm in terms of residential amenity. Therefore, no additional harm to visual amenity would be caused over and above the existing arrangements on site.

Having taken the above into account, the proposed development would not cause significant harm to the visual amenity of the host property, the wider street scene or character of the townscape. Complying with Policy LP24 of the Kirklees Local Plan and the aims of chapter 12 of the National Planning Policy Framework.

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(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.

Principle 6 of the Housebuilders Design Guide states: *“Residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.”*

As outlined above, LP15 d) of the Kirklees Local Plan requires developments for residential accommodation in a defined town centre to protect the amenity of existing residents and future occupiers.

The proposal would provide one bedroom in the basement. It is noted that application 2023/91421 also proposed basement level residential use, although this utilised the whole of the basement level, not just the back room. This application was partly refused for failing to ensure a high standard of amenity to future occupants due to the poor service of light and outlook to the proposed rooms. This scheme has a similarly designed stepped down rear amenity space as proposed for this application.

The applicant has submitted a drawing showing the ‘visible sky line’ to the proposed bedroom. Whilst this is acknowledged, the drawing only shows part of the room as within the ‘visible sky line’ with a significant proportion of the

room not included. Whilst some light would be provided, the bedroom would still have a view out onto a stairwell thus the proposed bedroom would not have an acceptable outlook. It must also be noted that the space which the only window faces, is communal amenity space for the entire property which would be operated as a HMO. It is therefore considered that a bedroom in this location has the potential to be overlooked by other occupants of the building.

It is therefore considered that the proposed bedroom would not provide sufficient outlook or natural light to the future occupants and there are concerns that the scheme would result in overlooking harm as well.

It is therefore considered that cumulatively the impact of lack of outlook and natural light, as well as the potential for overlooking harm would not result in an acceptable level of amenity for the future occupiers. Thus, failing to comply with LP24 and LP15 d) of the Kirklees Local Plan, the aims of chapter 12 of the NPPF and Principle 6 of the Housebuilders Design Guide SPD.

4 – Impact on highway safety

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.”*

Policy LP21 of the Kirklees Local Plan states that proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users.

The site is accessed via Market Street. No off-street parking provision has been provided and there is restricted on street parking. The site is ~150m south of Heckmondwike Bus Station and there is a bus stop directly outside the property. Given the proximity to public transport links and as the site is located within Heckmondwike Town Centre, the lack of parking provision is considered acceptable in this instance.

Therefore, the proposal scheme is considered to comply with the recommendations in the Highways Design Guide and policies LP21 and LP22 of the Kirklees Local Plan.

5 – Other matters

Land contamination

The proposed development is situated on land that has been identified as potentially contaminated due to its former use. However, the site is already established as residential/commercial property and there would be no groundworks proposed as part of the development. No land contamination conditions are considered necessary in this instance.

Biodiversity

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 granted pursuant to an application submitted after 12 February 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 outlined that they believe the development falls under the de minimis exemption because “the site does not include or impact any habitat, and the proposal does not result in habitat loss or degradation. The development involves no habitat area change (0 m² affected), which falls below the threshold requiring biodiversity net gain assessment.” Officers have no reason to disagree with this statement and therefore no further measures are required.

The proposed development is therefore considered to comply with LP30 of the Kirklees Local Plan and Chapter 15 of the NPPF.

There are no other matters for consideration.

6 - Representations

No representation received.

7 – Conclusion

This application for change of use of existing basement from storage to a single-person House in Multiple Occupation at 17 Market Street, Heckmondwike has been assessed against relevant policies in the development plan as listed in the policy section of the report, the Housebuilders Design Guide SPD, the National Planning Policy Framework and other material considerations.

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 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 considerations.

Recommendation

Refusal

Decision Authorisation - Delegated Powers

Application Number: 2025/91384

Officer Recommendation: Approve

Conditions:

1.The proposed development fails to ensure a high standard of amenity to future occupants. The poor service of light and outlook to the proposed room, along with the potential for overlooking harm from the shared amenity space, is considered to be detrimental to the residential amenity of future occupiers. This would be contrary to Policy LP15 and LP24 of the Kirklees Local Plan, chapter 12 of the NPPF and the Housebuilders Design Guide SPD.

Plans and Specifications Table:

| Plan Type | Reference | Version | Date Received |
|----------------------|-----------|---------|---------------|
| Location Plan | AR-01 | 01 | 05/06/2025 |
| Existing Elevations | AR-03 | | 05/06/2025 |
| Existing Floor Plans | AR02 | | 05/06/2025 |
| Proposed Drawings | AR-04 | | 05/06/2025 |

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 2015 and otherwise actively engaged with the applicant in dealing with the application. As the concerns are directly related to the proposed use of the room, no amendments are considered to overcome officer's concerns which fit within the description of proposal. Therefore, no amended plans were sought or provided.

Report Dated: 06/10/2025

