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**Report of the Head of Strategic Investment**

**HUDDERSFIELD PLANNING SUB-COMMITTEE**

**Date: 12-Oct-2017**

**Subject: Planning Application 2017/91555 Formation of driveway through ground floor of 35/37, alterations to form flat above and change of use of land to form parking and turning area 35, Upper Mount Street, Lockwood, Huddersfield, HD1 3RX**

**APPLICANT**

J and M Hussain

**DATE VALID**

12-May-2017

**TARGET DATE**

07-Jul-2017

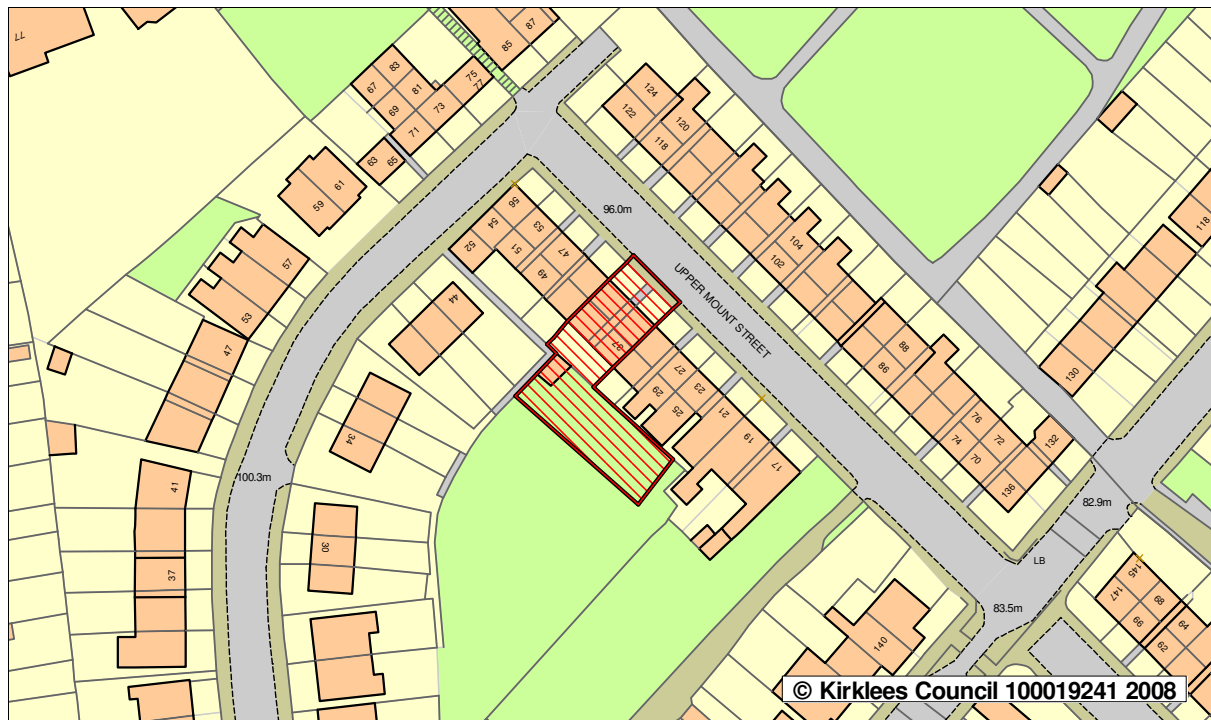
**EXTENSION EXPIRY DATE**

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Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

**LOCATION PLAN**



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**Electoral Wards Affected: Crosland Moor and Netherton**

No

Ward Members consulted

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**RECOMMENDATION: REFUSE**

- 1. The comings and goings associated with the use of the driveway and parking spaces would result in a level of disturbance that would not retain a good standard of amenity for existing occupiers of neighbouring dwellings, in particular those to the south east of the application site. This would be contrary to a core planning principle of the NPPF, Policy D2 (v) of the UDP and Policy PLP24 (b.) of the Publication Draft Local Plan.**
- 2. The formation of the driveway through the ground floor of the host dwelling would appear incongruous in the Upper Mount Street streetscene, disrupting the strong linear character of stepped terraced properties which presently exists. This would be detrimental to visual amenity and would not accord with Policies D2 (vi, vii) and BE1(i, ii) of the Unitary Development Plan, advice within paragraph 64 of the National Planning Policy Framework and Policy PLP 24 (a.) of the Publication Draft Local Plan**

**1.1 INTRODUCTION:**

The application site was originally reported to Sub-Committee at the request of Councillor Manisha Kaushik with the following reason:

*“Please note that members are to consider the impact on visual, residential and highway safety with a site visit”*

- 1.2 The Chair of Sub-Committee confirmed that Cllr Kaushik’s reason for making this request was valid having regard to the Councillors’ Protocol for Planning Committees.
- 1.3 The application was reported to sub-committee on 31<sup>st</sup> August 2017 and Members undertook a site visit on the morning of the meeting. At the meeting members resolved to defer the application to allow the applicant to arrange a structural engineers report to outline the details of how the scheme would be implemented. A structural report, in the form of a letter of support, a cross section sketch and structural details have been now submitted by a firm of Structural Engineers to accompany the application. In addition the submitted plans have been amended to incorporate the recommendations of the structural report. The report below is based on this revised/additional information.

## **2.0 SITE AND SURROUNDINGS:**

2.1 The application site relates to nos.35/37 and 39 Upper Mount Street together with an area of open land to the rear of these properties. The open land also extends south east beyond the rear of nos. 31/33, 29 and 23/25 Upper Mount Street. Physical works are proposed to no. 35/37 Upper Mount Street. This property is a two storey mid-terraced property. It is set along a steeply sloping street and has an area of hardstanding to the front and small yard to the rear which is accessed from a passageway between No's 35/37 and No. 39 Upper Mount Street which are both through terraces. The area beyond the rear yard of the property is set up slightly from the ground level of the property itself and is currently scrub land. The wider area is predominantly residential with a number of the properties within Upper Mount Street being back-to-back dwellinghouses. The internal layout of the host property, based on the existing floor plans, also indicates that the property was formerly a back-to-back property.

## **3.0 PROPOSAL:**

3.1 Permission is sought for the formation of a driveway through the ground floor of No. 35/37, alterations to form a flat above and the change of use of land to form a parking and turning area.

3.2 The formation of the driveway through the ground floor of the property would be completed by removing the entire ground floor accommodation and creating an opening which would be 3.4 metres in width and 3.4 metres in height. It is proposed that steel beam and plate lintels are installed to support the front and rear walls of the property which would allow for the provision of stone lintels over the openings. The upper walls of the property would be supported using acrow propping techniques during the installation of the new beams. It is also proposed that a new inner leaf of masonry would be built adjacent to existing party walls to provide additional stability and for the provision of thermal and acoustic insulations to the adjoining properties.

3.3 The alterations to form the flat above would involve the relocation of one of the staircases into the existing passageway and creating a kitchen, lounge, bedroom and bathroom at first floor and two further bedrooms, a bathroom and a store within the loft space.

3.4 The change of use relates to a tract of land to the rear of the property accessed by the proposed driveway. It is proposed this would become a turning area and 4 marked out parking spaces. The 4 no. parking spaces would be sited directly to the rear of no. 31/33. The latest amended plans indicate a screen fence and planting to the rear of no. 29 Upper Mount Street.

3.5 It is proposed that the materials used in the external alterations would be stone with the parking area and driveway to be tarmac.

3.6 In order to form the driveway through the existing dwelling the additional structural information received states that a new suspended concrete floor system would be installed so as not to impose any additional loading onto the adjoining properties. The parking spaces to the rear of the property would require some limited regrading of land, as indicated on a cross section provided with the application. Test holes have been undertaken which indicate

the underlying sub-strata is firm clay which, the structural information submitted states, 'no major earthwork excavations will be required to form the new parking area base'. It is stated that a permeable hardstanding would be preferred for drainage of the parking area but that if this was not possible to employ a new soakaway at the bottom of the site.

#### **4.0 RELEVANT PLANNING HISTORY:**

##### **4.1 Within the land to the rear of property:**

2004/94754 Use of land for siting storage container, for use as workshop/storage, erection of detached garage and formation of vehicular access

Refused – 1) garage and storage due to their design and materials of construction would be injurious to the visual amenity of the area; and  
2) insufficient information to enable the implications of the proposal to be properly judged, particularly having regard to the potential of noise generation from the workshop and associated car manoeuvres

##### **4.3 Within the land to the rear of the property:**

2005/90127 Use of land for siting storage container, for use as workshop/storage, erection of detached garage and formation of vehicular access

Refused – 1) design, siting and construction materials of storage container would be injurious to the visual and residential amenity of the area; and  
2) insufficient information to enable the implications of the proposal to be properly judged, particularly having regard to the potential of noise generation from the workshop and associated car manoeuvres – Appeal dismissed

#### **5.0 HISTORY OF NEGOTIATIONS:**

5.1 In terms of the formation of the driveway, this was subject of informal pre-application discussion. It was informally advised at that time this form of development raised concerns regarding visual amenity and highway safety.

5.2 During the course of the application amended plans were sought with regard to the front elevation as it appeared on the site visit that the ground level was lower than shown on plan. Also, further amended plans were received which demonstrates roof lights within both the front and rear elevation for the proposed bedrooms.

5.3 Additional plans were received at the request of the Case Officer with regards to site sections due to the topography of the area.

5.4 The application was deferred from consideration at the meeting of the sub-committee on 31<sup>st</sup> August. This was to allow the applicant to arrange a structural engineers report to outline the details of how the scheme would be implemented. This has been received, together with amended plans which take into account the recommendations of that report.

## **6.0 PLANNING POLICY:**

- 6.1 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 Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25<sup>th</sup> April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.
- 6.2 The land is without allocation/designation within the Unitary Development Plan and Kirklees Publication Draft Local Plan.

### Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.3 D2 – Unallocated Land  
BE1 – Design principles  
BE2 – Quality of design  
EP4 – Noise sensitive development  
T10 – Highway safety  
T19 – Parking standards

### Kirklees Publication Draft Local Plan: Submitted for examination April 2017 (PDLP)

- 6.4 PLP1 – Presumption in favour of sustainable development  
PLP2 – Place shaping  
PLP24 – Design

### National Planning Guidance:

- 6.4 Chapter 7 – Requiring good design  
Chapter 11 – Conserving and enhancing the natural environment.

## **7.0 PUBLIC/LOCAL RESPONSE:**

- 7.1 The Council advertised the application by site notice and neighbour notification letters which expired on 14<sup>th</sup> June 2017 – one letter of representation regarding the proposed development has been received in support of the application. This supports the creation of off road parking to the benefit of the street and for refurbishing the property.

## **8.0 CONSULTATION RESPONSES:**

8.1 **Statutory:** None

8.2 **Non-statutory:**

K.C. Highways Development Management – no objection subject to conditions

K.C. Environmental Services – no objection

K.C. Building Control – “we concur with the comments and the details submitted by Marsh Design, in that the proposal is feasible structurally, subject of course to the detailed calculations, work on site and Building Regulation applications”.

## **9.0 MAIN ISSUES**

- Principle of development
- Visual amenity
- Residential amenity
- Highway issues
- Representations
- Other matters

## **10.0 APPRAISAL**

### Principle of development

10.1 The site is without notation on the UDP where Policy D2 (development of land without notation) states “planning permission for the development.....of land and buildings without specific notation on the proposal map and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]”. All these considerations are addressed later in this report.

10.2 The general principle of making alterations to a property are assessed against Policies BE1 and BE2 of the Unitary Development Plan and advice within Chapter 7 of the National Planning Policy Framework regarding design. These require, in general, balanced considerations of visual and residential amenity, highway safety and other relevant material considerations. In addition Policy PLP24 of the Publication Draft Local Plan sets out a variety of design considerations to take into account in the assessment of a planning application.

### Visual amenity

10.3 There are three elements to the development proposed. Firstly, to create a driveway through the ground floor of the property, secondly the creation of a flat above and thirdly, the formation of a parking area to the rear of the site.

- 10.4 In respect of the formation of the driveway, and ensuing alterations to the existing dwelling, the applicant has submitted supporting information. This provides examples of similar forms of development elsewhere within Kirklees. It is not a matter of dispute that such openings exist elsewhere but principally these were formed concurrently with the development of which they form part, leading to shared yards that again form part of the original development. This is not the case at Upper Mount Street which features long terraced rows on a steep incline with no existing similar forms of development and no shared yards to the rear of the properties currently accessible by vehicles. It is therefore considered that to create such a large and high opening within the dwelling, both at the front and rear of the property would be visually intrusive and incongruous within the street scene and wider area which would be contrary to Policies D2 and BE1 of the UDP and paragraph 64 (design) of the NPPF.
- 10.5 Notwithstanding the above, the alterations to the existing dwelling to form a flat would involve minimal changes to the remaining building. The only visible alterations would be changing the existing passage opening to a door and the insertion of rooflights. These elements are not to be considered acceptable in accordance with Policies D2, BE1 and BE2 of the Unitary Development Plan and advice within the National Planning Policy Framework.
- 10.6 The proposed parking area to the rear appears involves creating a hardsurface and some limited regrading works. Whilst this would introduce a new feature, close to the front of those properties which are only single aspect, the creation of this surface would not be detrimental to visual amenity in its own right, notwithstanding the impact on residential amenity. Furthermore a sensitive scheme of boundary treatment, as suggested in the latest amended plans, would be in keeping with the wider landscape to the rear of the property.
- 10.7 Taking into account all the above, it is considered that the proposed formation of the driveway (when taken in isolation) is not acceptable in terms of visual amenity due to its incongruous appearance which would disrupt the linear appearance of the Upper Mount Street, to the detriment of amenity which would not accord with Policies D2, BE1 of the Unitary Development Plan and advice within the National Planning Policy Framework. Furthermore the development would not accord with emerging policy PLP24 of the PDLP which states that proposals should promote good design by ensuring (amongst other things) 'the form, layout and details of all development respects and enhances the character of the townscape...'

#### Residential Amenity

- 10.8 The properties which would be potentially affected by the proposed development would be the host dwellings and also the neighbouring properties to the south east. The impact would be the activity associated with the driveway and parking area. The rear aspect of the properties, and in part the principal elevation of neighbouring property which is single aspect (no. 29), presently overlook a wide area of disused land which is currently undisturbed. The proposal would formalise this land to utilise it for parking

- 10.9 Whilst no objections have been raised by Environmental Services, it is considered that the impact from the comings and goings associated with the driveway and parking area would not retain a good standard of amenity for neighbouring properties. The existing dwellings, not associated with the application site, have only small yard areas with there being a gap of approx.. 4 metres between the rear of nos. 31/33 Upper Mount Street and the parking spaces and no 29, a single aspect property, almost abutting parking space no. 4.
- 10.10 Although dwellings fronting Upper Mount Street itself already experience vehicle traffic and manoeuvring, the current proposal would introduce cars passing through a driveway enclosed by residential properties to both sides and above. Whilst no details have been submitted as the use of the parking spaces there are concerns regarding the intensification of the proposed traffic movements. The land to the rear of the dwellings is currently quiet and the activity and proximity of the use to other properties is considered not to improve the character of the area. This would not be materially improved by the proposal to add boundary treatment to the rear of the affected properties.
- 10.11 With regards to the proposed roof lights, whilst these would be openings to habitable room windows, these would not require Planning Permission in their own right and due to being within the roof slope of the dwelling, are not considered to be detrimental to residential amenity,
- 10.12 Taking into account all the above, it is considered that the formation of the driveway and parking spaces would not retain a good standard of amenity for existing occupiers of neighbouring dwellings. This would be contrary to a core planning principle of the NPPF and Policy D2 of the UDP. Furthermore it would be contrary to emerging Policy PLP24 of the PDLP in that it would not 'provide a high standard of amenity for...neighbouring properties'. It is recognised that the proposal could reduce the demand for on street parking along Upper Mount Street but this would not overcome the objection to the development on the grounds of residential amenity.

#### Highway issues

- 10.13 In terms of highway issues, the Highways Development Management team were formally consulted. No objections have been raised on the grounds of highway safety subject to the imposition of conditions relating to sight lines and the marking and draining of bays. As such, and considered in isolation, the development would comply with Policies D2 and T10 of the UDP.
- 10.14 Amended plans have been received on 21<sup>st</sup> September 2017 which demonstrates that there is an existing dropped kerb at the site. This is acknowledged together with the fact that off street parking takes place to the front of the property.

#### Representations

- 10.15 One letter of support has been received stating that the proposal to form off-road parking would be of benefit to the street and that the proposal to refurbish the property brings investment to the area. Whilst these points are noted they do not overcome the objections to the scheme.



## 10.16 Other Matters

### Structural Stability

Paragraph 120 of the NPPF states that where a site is affected by land stability issues the responsibility for securing a safe development rests with the developer or landowner. In this case information has been submitted to demonstrate that the scheme could be undertaken without detriment to the structural stability of the host dwelling or neighbouring properties. This information has been assessed by Building Control who confirm that the proposal is feasible structurally, subject to the detailed calculations, work on site and Building Regulation applications. Any allied Building Regulations application would need to provide further details regarding the removal of the basement; demonstrate that there is sufficient headroom in the roofspace for the accommodation provided; provide full structural calculations and method statement; ensure suitable tanking/damproofing to adjacent properties and arrange Party Wall agreements. These issues are, not within the remit of this planning application however.

10.17 There are no other matters for consideration.

## 11.0 CONCLUSION

11.1 The applicant has provided further information in support of the application, as required by the sub-committee. The additional information demonstrates that it is feasible to provide a structural scheme to undertake the works proposed without adversely affected the host dwelling or surrounding properties. However, the additional information does not overcome the principal concerns of Officers regarding the proposed scheme. There are concerns related to the impact of the development upon residential and visual amenity, as outlined in the report above.

11.2 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute what sustainable development means in practice.

11.3 The application has been assessed against relevant policies in the development plan, the emerging local plan and other material considerations. It is considered that the development proposals do not accord with the development plan, the emerging development plan or national policy set out in the NPPF. For these reasons the application is recommended for refusal.

### **Background Papers:**

Application file.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f91555>

Certificate of Ownership, Certificate B dated 12<sup>th</sup> May 2017

Notice served on:

Mr S Hussain 39 Upper Mount Street Lockwood

Mr I Hussain 33 Upper Mount Street Lockwood

Kirklees Council Civic Centre 3 (Physical Resources and Procurement)