
Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 20-Sep-2018

Subject: Planning Application 2017/93973 Change of use of dwelling into two dwellings and first floor side extension 103, Greenhead Road, Huddersfield, HD1 4EZ

APPLICANT

B Singh

DATE VALID

24-Jan-2018

TARGET DATE

21-Mar-2018

EXTENSION EXPIRY DATE

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



Map not to scale – for identification purposes only

Electoral Wards Affected: Greenhead

No

Ward Members consulted

RECOMMENDATION: REFUSE

1. The proposed first floor extension when considered cumulatively with the previous extensions to the property, would result in an overly prominent and incongruous structure in the streetscene. Furthermore the extension and subdivision of the property to form two dwellings would result in an overdevelopment of the site. This includes the amount of car parking required and limited amenity space available to future residents. To permit such a development would be detrimental to visual amenity and fail to accord with the requirements of Policy D2 (ii), (vi) and (vii) of the Kirklees Unitary Development Plan, Policy PLP24 (a) and (c) of the Publication Draft Local Plan and guidance in Chapter 12 of the National Planning Policy Framework.

2. The access onto Greenhead Road from the private drive is substandard due to inadequate sight lines in both directions which would be to the detriment of highway safety and contrary to Policy D2 and T10 of the Unitary Development Plan, Policy PLP21 of the Publication Draft Local Plan and advice within the National Planning Policy Framework.

3. The proposed sub-division of the property to provide two separate dwellings would result in limited private amenity space for either property. The only usable space, not given over to access and parking being an open, elevated area above Gledholt Bank. It is considered that this would not promote a healthy environment for future occupiers contrary to Policy BE1(iv) of the UDP and paragraph 127 (f) of the NPPF.

1.0 INTRODUCTION:

1.1 The application has been brought to Sub-Committee at the request of Councillor Mohan Sokhal with the following reason:

“I would wish the application to be reported at Huddersfield Planning Sub Committee on the basis that members to consider whether the development did constitute an overdevelopment of the site, whether there was sufficient parking and amenity space for future residents and whether the further development of the site would be detrimental to highway safety. I would like to request that members have a site visit before the determination of the application.

- 1.2 The Chair of the Sub-Committee confirmed that Councillor Sokhal's reason for making this request is valid having regard to the Councillor's Protocol for Planning Committee's.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is a former detached bungalow situated in an elevated corner plot at the junction of Gledholt Bank and Greenhead Road. Planning permissions approved in 2005 and 2008 have resulted in the property now being a larger, brick and tile two storey property with a single detached garage with access to the property being off a private road to the rear of the property.

3.0 PROPOSAL:

- 3.1 Permission is sought for the change of use of the dwelling into two dwellings and first floor side extension. The application has been submitted following a previously withdrawn scheme for the erection of a first floor extension and alterations to convert existing garage/store to habitable space.
- 3.2 The proposed change of use of the dwelling into two dwellings would result in one property containing a living room, kitchen, dining room, lounge, hallway and WC at ground floor and 4 no. bedrooms (one with en-suite) and a bathroom at first floor and 2 further bedrooms and bathroom within the second floor. The floor plans for the other property would accommodate a garage (if this is utilised as a garage and not habitable accommodation), living room, kitchen and hall at ground floor, 2 no en-suite bedrooms and first floor with a further en-suite bedroom within the proposed first floor extension. In summary, 1 no. 6 bedroom property and 1 no. 3 bedroom property.
- 3.3 Vehicular access into the site is taken from a private access road off Greenhead Road which also provides access to 61-65 Gledholt Bank. The access leads to an area of hardstanding to the east of the property where a detached garage is located and there are lawned areas to the north and west of the property.
- 3.4 The existing single storey side extension was approved under application number 2005/95076 and proposed to be a garage projecting 3 metres from the side of the property and set back from the front and rear elevations. The submitted plans, and as existing on site, demonstrate that the garage as erected is larger with a 4.3 metre side projection lying flush with the front and rear elevations. In addition, the design, including blanked out patio doors which are set above ground level, suggest a garage door was not installed. Externally it appears that the internal space could be utilised as residential accommodation.
- 3.5 The proposed first floor extension would lie flush with the existing front, rear and side elevations and would have an eaves height and ridge height to match the existing. The proposed construction materials would be brick for the walls and tiles for the roof. Two openings are proposed within the east elevation above what should be the garage door facing into the forecourt of the site and a window proposed in the west elevation facing Gledholt Bank. The plans also indicate that the patio doors within the west elevation at ground floor level would be altered to a window.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2004/94587 Alterations to existing bungalow to form a two storey dwelling, erection of detached garage and formation of new access
Conditional Full Permission
- 4.2 2005/92181 Alterations to existing bungalow to form a two storey dwelling, erection of porch and detached garage and formation of new access (modified proposal)
Conditional Full Permission
- 4.3 2005/95076 Erection of extensions and attached garage
Conditional Full Permission
- 4.4 2007/90033 Demolition of bungalow and outline application for erection of 2 no. detached dwellings
Refused – substandard access due to inadequate visibility splays; prejudice protected tree; cramped form of development resulting in overcrowding
- 4.5 2007/92824 Demolition of bungalow and outline application for erection of 2 no. detached dwellings
Refused – not demonstrated that access to the site can be achieved via shared drive; drive is inadequate to accommodate additional traffic; drive would serve more than 5 properties leading to difficulty for maintenance and service vehicles to serve the properties; prejudice protected tree
- 4.6 2008/90812 Demolition of existing bungalow and erection of 2 no. detached dwellings
Invalid
- 4.7 2008/94130 Erection of extensions (modified proposal)
Conditional Full Permission
- 4.8 2016/93736 Dead or dangerous tree to the highway
Noted – requirement to plant a replacement tree
- 4.9 2016/93973 Erection of first floor extension and alterations to convert garage/store to living accommodation.
Withdrawn following concerns raised regarding overdevelopment and highway safety
- 4.10 Enforcement – COMP/08/0169/W2 – not built in accordance with approved plans
Breach regularised
- 4.11 Enforcement – COMP/09/0361 – material change of use from one dwelling to two dwellings - *Breach not expedient.*
It would appear that the proposal to subdivide the dwellings might be retrospective as the site has been recently marketed as an 8-bedroomed semi-detached property with the house numbers being 103 and 103A clearly displayed on the doors to the building. At the time of the site visit, it did not appear that the amenity area had been split for each property. Enforcement records indicate that the change of use was investigated in 2009. However, the 2016 application was submitted as a 'householder' application seeking an

extension to a single dwelling encompassing the whole application site. As the declaration within the previous application was that the property was a single dwelling, the change of use of one dwelling to two is a material consideration in terms of the assessment of this application.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

5.1 Concerns were raised to the Agent with regards to the attached garage not being used as a garage due to the patio doors and elevated floor level and also that the rooflights are not shown on the plans. Also, that 3 parking spaces per dwelling would be required which does not appear to be achievable. It was also relayed to the agent that the proposal was considered to constitute overdevelopment and an over-intensification of the site, given the scale of the original property, with significant concerns regarding highway safety. Following initial comments from Highways Development Management, a site plan has been submitted demonstrating that 6 vehicles (3 per dwelling) can be parked within the site. The additional plan was received on 17th August 2018.

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 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 48 of the National Planning Policy Framework (2018). 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 (2018), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

6.2

- D2 – Unallocated land
- BE1 – Design principles
- BE2 – Quality of design
- BE11 – Materials
- BE12 – Space about buildings
- BE13 – Extensions to dwellings (design principles)
- BE14 – Extensions to dwellings (scale)
- T10 – Highway safety
- T19 – Parking standards

Kirklees Publication Draft Local Plan Policies:

6.3

- PLP1 – Achieving sustainable development
- PLP2 – Place shaping
- PLP21 – Highway safety and access
- PLP22 – Parking
- PLP24 – Design

National Planning Guidance:

6.4

- Chapter 2 – Achieving sustainable development
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 8 – Promoting healthy and safe communities
- Chapter 12 – Achieving well-designed places

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application was publicised by site notice and neighbour notification letters. The period of publicity ended on 3rd March 2018 with 5 letters of representation being received. The amended plan indicating parking spaces was not re-publicised as this did not appear to alter to materially address the original representations made.

The following being a summary of objections:

Principle

- Property advertised as a semi-detached student let
- Historically permission for 2 dwellings on the site have been refused however the building is now two dwellings
- As one property Planning Permission would be needed for a HMO but by splitting the property with total rooms being 10 would not require Planning Permission

Existing attached garage

- Not constructed in accordance with approved plans – larger than approved
- Never been utilised as a garage
- Not accessible as a garage due to floor levels

Highways

- Lane off Gledholt Bank is at full capacity
- Lack of parking and turning point
- Previous applications deemed the private drive was inadequate to accommodate with substandard visibility with the number of properties being served by the access

Trees

- Protected tree damaged and removed with no replacement

Drainage

- No provision for surface water capture or retention yet site hardsurfaced to 3 sides

Visual amenity

- Blank side gable not in keeping with surrounding Victorian properties
- As existing, detrimental to visual amenity made worse by breaches of height and width

Residential amenity

- Increasing number of students would increase noise, nuisance and anti-social behaviour
- Overlooking as all rooms would be bedrooms

Breaches of planning conditions

- Previous approval asked for planting/shrubs to be retained however all planting has been grubbed out
- Previous permission required access to Greenhead Road to be walled up as it formed a hazard but is still in use daily
- Garage hosts patio doors and not a garage door

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

- K.C. Highways Development Management – Access is substandard with poor sight lines. Application not supported.

8.2 Non-statutory:

- K.C. Arboricultural Officer – no objection

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Landscape issues
- Highway issues
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 The site is without notation on the UDP Proposals Map and Policy D2 (development of land without notation) of the UDP states “planning permission for development....of land and buildings without specific notation on the proposals 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 assessment.
- 10.2 The general principle of extending and making alterations to a property and the subdivision of the property will be assessed against Policies BE1, BE2, BE13 and BE14 of the UDP, Policy PLP24 of the PDLP and advice within Chapter 12 of the National Planning Policy Framework regarding achieving well-designed places. These require, in general, balanced considerations of visual and residential amenity, highway safety and other relevant material considerations.
- 10.3 Furthermore, the site is without notation on the Publication Draft Local Plan. Policy PLP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Urban Design issues

- 10.4 The scheme proposes a first floor extension above the existing single storey side extension which would lie flush with the existing front, rear and side elevations with an eaves and overall ridge height that would lie flush with the existing.
- 10.5 The property was originally a bungalow and has over time been increased to a two storey property with detached garage. This is in a prominent elevated position above Gledholt Bank and on its junction with Greenhead Road. The proposed plans demonstrate a further increase in scale from the original bungalow. This would not appear as a subservient extension to the original structure but rather a full height continuation of the first floor added to this original property. This would exacerbate the elongated appearance of the dwelling, which is out of character with the wider streetscene, forming an incongruous and overly prominent feature in the area. This would be detrimental to visual amenity.
- 10.6 The existing extensions to the building, including the detached garage, have taken much of the amenity area for the single authorised property. It is therefore considered that to further increase the size of the building, subdivide it, together with the provision of 6 no. car parking spaces, would represent an over-development of the site which would be detrimental to the character of the area and the street scene.
- 10.7 In summary, it is considered that the subdivision and proposed extension, would result in a development which would be an over-development of the site and that would be harmful to visual amenity and the character of the area.

Residential Amenity

- 10.8 With regards to residential amenity, the proposed extension would be located above the existing side extension with habitable room windows in both the front and rear elevations with no openings proposed within the side elevation. With regards to overlooking, the established separation distances would not be reduced and therefore, the openings area considered to be acceptable.
- 10.9 Given the location of the extension within the plot, and its proximity to other residential properties, it is not considered that the extension would result in harm caused from overshadowing or by being overbearing.
- 10.10 Issues have been raised from local residents with regards to the potential increase in noise, nuisance and anti-social behaviour from the number of residents the development could accommodate. The proposed development, which sub-divides the property into two would result in a total of 9 bedrooms across both properties. However, if neither property houses more than 6 independent people – which is suggested from the split of 6 bedrooms in one property and 3 bedrooms in the other, Planning Permission is not required for a HMO, as this is a permitted change from Class C3 to C4, and therefore this is not a material planning consideration for this application.
- 10.11 Taking into account the amenity of future occupiers, the living space proposed would provide a reasonable amount of amenity. As set out above neither property would have a generous amount of useable amenity space, and that which would be available would be either to the front of the property which is open to view from Gledholt Bank or largely given over to access and parking. In particular the 6-bedroomed property would solely rely on the land to the west of the property for ‘amenity’ space. Although there are no policies regarding minimum garden space, it is considered that the ensuing development would not promote a healthy environment for future occupiers due to the lack of private amenity space contrary to Policy BE1 of the UDP and para 127 (f) of the NPPF.

Landscape issues

- 10.12 Facing the access to the properties, there is a large area of hard landscaping to accommodate vehicles with the only available soft landscaping to the front of the building. A protected tree was removed from the site under a tree works application in 2016 with a legal requirement to replace the tree however this does not appear to have occurred. This matter is separate to the merits of this application and would be dealt with by the Council’s Arboricultural Officer. The replacement tree, once matured, would further limit useable amenity space for the 3-bedroomed property.

Highway issues

- 10.13 The application has been discussed with the Highways Development Management. Whilst a site plan has been submitted which demonstrates that 3 no. parking spaces per dwelling can be achieved, the sight lines in both directions to Greenhead Road, at the junction of the track which serves the property, are substandard. The intensification of the use of the access from the proposed extension and the sub-division to form 2 separate properties would have an unacceptable impact on highway safety contrary to Policy D2

and T10 of the Unitary Development Plan, Policy PLP21 of the Publication Draft Local Plan and advice within the National Planning Policy Framework. Sight lines of 2.4m x 43m would be required in each direction to make the scheme acceptable. This would require 3rd party land and could not be controlled by planning conditions as part of this planning application.

Representations

10.14 5 representations have been received with the following comments and Local Planning Authority response:

Principle

- Property advertised as a semi-detached student let

Response: Noted

- Historically permission for 2 dwellings on the site have been refused however the building is now two dwellings

Response: Noted

- As one property Planning Permission would be needed for a HMO but by splitting the property with total rooms being 10 would not require Planning Permission

Response: Noted

Existing attached garage

- Not constructed in accordance with approved plans – larger than approved
- Never been utilised as a garage
- Not accessible as a garage due to floor levels

Response: The Case Officer is aware of the above factors however as the garage has been in situ for more than 4 years, it would be immune from enforcement action.

Highways

- Lane off Gledholt Bank is at full capacity
- Lack of parking and turning point
- Previous applications deemed the private drive was inadequate to accommodate with substandard visibility with the number of properties being served by the access

Response: Addressed in Highways Issues of the report

Trees

- Protected tree damaged and removed with no replacement

Response: see para 10.12

Drainage

- No provision for surface water capture or retention yet site hardsurfaced to 3 sides

Response: It appears from the historical aerial maps that the hardstanding to the front of the property was created as following the granting of the 2008 application and therefore would have been subject to the Permitted Development Rights legislation at that time for the creation of a hardstanding area.

Visual amenity

- Blank side gable not in keeping with surrounding Victorian properties
- As existing, detrimental to visual amenity made worse by breaches of height and width

Response: The impact of the scheme on visual amenity has been assessed in para 10.4-10.7 of this report.

Residential amenity

- Increasing number of students would increase noise, nuisance and anti-social behaviour
- Overlooking as all rooms would be bedrooms

Response: The impact of the proposal on residential amenity has been addressed within this report.

Breaches of planning conditions

- Previous approval asked for planting/shrubs to be retained however all planting has been grubbed out
- Previous permission required access to Greenhead Road to be walled up as it formed a hazard but is still in use daily
- Garage hosts patio doors and not a garage door

Response: It is noted that since the submission of this application, the access to the site has been blocked with a fence and cannot be used as access into or out of the site. The enforcement history has been assessed in section 4 of the report.

Other Matters

10.15 There are no other matters for consideration.

11.0 CONCLUSION

11.1 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.

11.2 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 that the adverse impacts of the proposed development would significantly and demonstrably outweigh its benefits when assessed against the policies in the NPPF taken as a whole.

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f93973>

Certificate of Ownership – Certificate A signed