



Appeal Decision

Site visit made on 17 September 2024

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 October 2024

Appeal Ref: APP/Z4718/W/24/3340348

100-102 Northgate House, Northgate, Huddersfield, Kirklees HD1 6AR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Amjad Rasool against the decision of Kirklees Council.
 - The application Ref is 2023/62/93502/W.
 - The development proposed is the change of use from first floor and attic office use (Eciii) to form 4 apartments (C3), erection of rear dormer extension at attic level and first floor extension to raise the roof of the existing warehouse (B2/Eciii) to create additional storage space.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the development on the character and appearance of the host building and the area; and
 - whether the development would provide satisfactory accommodation for its future occupants, with regard to internal space standards, outlook, privacy and air quality.

Reasons

Character and appearance

3. The appeal site is a part two storey and part single storey building which forms part of a stone-built terrace. It is situated close to a busy signal-controlled junction, which given the variety of uses present in the area, provides for a commercial character.
4. The proposed scheme includes a first-floor extension to the rear. It would be located above an existing single storey rear element but given the long rearward projection of this part of the proposal, it would result in an addition with a significant scale and mass that would be incongruous on the host building. Although the appeal does not relate to a householder application, it is necessary for all extensions to be subservient to the original building, as required by Policy LP24 of the Kirklees Local Plan Strategy and Policies (Local Plan) which the first-floor rear extension would fail to do.
5. Furthermore, the flat roof form of the rear extension in a heightened position as well as the use of metal cladding would appear incongruous and at odds

with the predominantly pitched roof form and stone built construction of the surrounding buildings.

6. The Council has also raised concerns on the proposed dormer failing to be subservient to the roof of the host building. Although the set down from the roof pitch, and the setback from the eaves is small, the dormer would occupy only a limited part of the rear roofslope. As such, when seen from Lower Fitzwilliam Street, this element of the proposal would not be visually harmful.
7. I therefore conclude that the proposal would have an unacceptable adverse effect on the character and appearance of the host building and the area. As such, it would be contrary to Local Plan Policies LP1, LP2 and LP24 and Paragraph 135 of the National Planning Policy Framework (Framework), which seek, amongst other matters, good design that respects and enhances the character of the townscape. It would also be contrary to the Kirklees Housebuilders Design Guide Supplementary Planning Document (SPD) which seeks to secure high quality design.

Living conditions

8. Apartments 1-3 are 1 bedroom units which would all fall short of the minimum space standards, in terms of the total internal floorspace set out in the Technical housing standards – nationally described space standards (NDSS). Apartment 4 would be situated within the roofspace of the appeal building, and although its total internal floorarea would meet the standards set out in the NDSS, the habitable rooms would only be served by rooflights which would provide a poor outlook for future occupiers of this unit.
9. The balcony serving apartment 3 would be directly overlooked by a window that would serve apartment 1. Any potential overlooking could however be mitigated by obscure glazing, had the development been otherwise acceptable.
10. The proposed apartments would be located in close proximity to a busy highway network, and would, due to potential noise disturbance, require windows that are not openable. The appellant has referenced a mechanical ventilation heat recovery system to ensure acceptable air quality and provided manufacturers details of one such system. However, in the absence of an Air Quality Impact Assessment, I am unable to determine that future residents would not be subject to unacceptable levels of air pollution.
11. Accordingly, I conclude that the proposed development would not provide satisfactory accommodation for its future occupiers with regard to internal space standards, outlook and air quality. As such, it would be contrary to Local Plan Policies LP24 and LP51, the SPD and Paragraph 135 of the Framework, which seek, amongst other matters, a high standard of amenity for future occupiers.

Other Matters

12. The proposal would provide employment in the construction phase and would support the appellant economically and provide investment in an area where there is a high level of vacant units. The proposal would also contribute to local housing supply and the apartments have easy access to shops and facilities. Whilst these factors weigh in favour of the proposal, they would not

outweigh the harm that I have identified in relation to character and appearance and on living conditions.

13. Reference has been made to permitted development rights that enable a change of use from offices to residential, but this would be subject to a prior approval process, and in any event, this proposal includes an extension to the existing warehouse which would not benefit from such rights.
14. The development would be acceptable in relation to land contamination and flood risk and does not impact on parking provision. These are however neutral considerations and are not matters which weigh in favour of the development.
15. The appellant has referenced the Council's failure to work with the appellant and administrative matters relating to the 'free-go' resubmission. These matters do not however have a bearing on my decision-making with regards to the main issues, and I can confirm that I have dealt with the appeal on its own merits.

Conclusion

16. I conclude that the proposal would not accord with the development plan as a whole, and there are no other considerations, including the Framework, that indicate that I should take a decision other than in accordance with this. I conclude that the appeal should be dismissed.

F Rafiq

INSPECTOR