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:	2020/62/93681/W
Site Address:	9, Fernside Avenue, Almondbury, Huddersfield, HD5 8NR
Description:	Installation of access platform lift
Recommending Officer:	Lucy Taylor

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.

Emma Thompson

AUTHORISED OFFICER

Date: 28-Jan-2021

Officer Report.

Reference: 2020/93681

Location: 9 Fernside Avenue, Almondbury, Huddersfield, HD5 8NR

Proposal: Installation of access platform lift

Site Description.

9 Fernside Avenue is a two-storey terrace property located in Almondbury, Huddersfield. The property is constructed from render and has a tiled gable roof. The property and front garden space is elevated from external ground level, and a set of steps is erected to allow access to and from the property from the pavement. A brick wall has been erected around the front and side elevations of the front garden.

The property is located in a residential area where properties in the surrounding area differ in their style of design and construction. In the immediately surrounding area of the application site the properties are constructed from render however, the properties located above the application site are constructed from stone. Therefore, similarity within the streetscene becomes more concentrated as the properties descent down Fernside Avenue.

Description of Proposal.

Permission is sought for the installation of an access platform lift and exterior alterations.

Installation of Platform Lift:

An area of the front garden will be excavated to install the platform lift, narrowing the extent of the front garden infilled with grass and instead levelling out a path adjoining to the pavement, upon which the access platform lift will be erected. A brick wall will be erected either side of this excavated pathway, matching the appearance of the brick walls currently erected to the front elevation of the dwelling. Some front garden amenity space will be retained, and the steps currently erected to the eastern side of the front garden will remain in place.

The proposed access platform lift will have a total length of 1.6 metres, a width of 1 metre and a maximum height of 2.55 metres when the access platform lift is raised.

In conjunction with the erection of an access platform lift, two metal railing will be erected by the front access door to the dwelling. One of the railings will be erected along the western side elevation, next to the brick wall which acts as boundary treatment. The other railing will be erected in conjunction with a

small step, located slightly to the side of the front access door. Additionally, the two railings currently erected on the eastern side elevation, as an aid for the existing stone steps, will be replaced by a new single railing. As a result, all of the railings erected at the property will be the same with regard to there appearance.

History of Negotiations.

The case officer sought amended plans with regard to the application. Amended plans were required due to a lack of detail and incorrect scaling, no amendments were sought with regard to the principle of development.

Corrected plans were submitted, and the application was determined based upon the amended plans.

Relevant Planning History.

No relevant planning history.

Representations.

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters which expired on 31st December 2020 – no representations were received.

Although amended plans were requested and received, it was not deemed necessary to re-advertise the new plans through additional neighbour letters. This is because the principle of the development did not change and the only alteration was to correct the proposed measurements of the platform lift.

Consultation Responses.

No consultations were deemed necessary for this application.

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 site is without notation on the Kirklees Local Plan.

Kirklees Local Plan

- **LP1** – Achieving sustainable development
- **LP2** – Place shaping
- **LP21** – Highway safety
- **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 19th February 2019 and 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 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change.

Assessment

The following matters are considered in the assessment below –

1) Principle of development
1) Impact on visual amenity
2) Impact on residential amenity
3) Impact on highway safety
4) Other matters
5) Representations
6) Conclusion

1. Principle of Development

The site is without notation on the Kirklees Local Plan. Policy LP1 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. LP1 goes on further to stating that:

"The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area."

In the case of this application, it can be stated the principle of development is acceptable subject to the assessment of impacts on visual and residential amenity and highway safety.

1. Impact on Visual Amenity

In terms of visual amenity, general design considerations are set out in Policy LP24 of the Local Plan and Chapter 12 of the NPPF, which seek to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity.

The dwelling is situated in a residential area and fronts a public highway. Due to the topography of the site, part of the front garden would be excavated and developed upon. However, the proposal is for an access platform lift, a development in which is considered to be small in size and scale. Therefore, the erection of an access platform lift would not result in overdevelopment to the front of the site. Furthermore, the design of the proposal is considered to be acceptable in terms of visual amenity. The structure is simple in design and the excavation of the front garden and erection of additional brick walling is in keeping with the appearance of the front garden amenity space at present. Whereby, brick walls of the same appearance are already erected to the front and side elevations.

Due to the continued presence of existing boundary treatment to the front and side elevations of the dwellings, as well as the erection of additional brick walling around the side elevations of the site of development, the platform lift would not be overtly prominent within the streetscene. Furthermore, the lift is required to negotiate between the front door and external ground level, and would therefore, have a further reduced impact when the lift is lowered.

The proposed railings to the front of the dwelling are considered acceptable with regard to visual amenity. The three proposed railings will be constructed using the same material and therefore, will be similar in appearance. The proposed railings are a minor development to the front elevation of the dwelling and will not alter the relationship with the streetscene. Finally, it should also be acknowledged that railings, at present, are erected at the front of the dwelling in conjunction with the steps to the eastern side elevation. As such, the principle of development has previously been established at the site.

Taking all this into consideration, the overall size, scale and bulk of the design is considered to be acceptable in terms of visual amenity and would accord with Policy LP24 of the Kirklees Local Plan.

2. Impact on Residential Amenity

The impact of the proposal on the amenity of surrounding properties and future occupiers of the dwellings needs to be considered in relation to Policy LP24 of the Local Plan which seeks to "*provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings.*"

The potential impact on each neighbouring property will be assessed in turn:

- *7 Fernside Avenue* – this property is located to the west and adjoins the application site. It should first be noted that boundary treatment in the form of a brick wall is erected on the side elevation between this neighbouring property and the application site. Additionally, the development proposes further boundary treatment around the access platform lift, further reducing visibility when the lift is lowered. As such, in accumulation with the minimal size and scale of development, it is possible to conclude that there will be no material or visual impact upon

the occupants of 7 Fernside Avenue, including no resultant undue overbearing or overshadowing. Furthermore, the installation of an access platform lift will not impact upon neighbouring privacy. The proposed railings to the front elevation of 9 Fernside Avenue will also have no impact upon this neighbouring property, considered to be a very minor development and deemed acceptable from a visual amenity perspective.

- *11 Fernside Avenue* – this property is located to the east and adjoins the application site. The access platform lift will be set away from the shared boundary with this property and as such, the occupants of this neighbouring property will not be unduly impacted on by the proposal with regard to overbearing or overshadowing. In addition, boundary treatment in the form a brick wall is erected between the two neighbouring properties, this will aid in further mitigating any potential impacts. Overall, resulting in the assumption that the proposal poses no material impact in regard to this neighbouring property. Furthermore, the installation of an access platform lift will not impact upon neighbouring privacy. The proposed railings to the front elevation of 9 Fernside Avenue will also have no impact upon this neighbouring property, considered to be a very minor development and deemed acceptable from a visual amenity perspective.

- *5 and Rockley Close* – These properties are located to the north west and overlook the rear of the application site. The proposed developments at 9 Fernside Avenue will cause no impact to these neighbouring properties as both the platform lift and railings are to erected to the front elevation of the dwelling. Overall, causing no material impact with regard to overbearing and/or overshadowing and no impact upon neighbouring privacy.

In light of the above the proposal is considered to have an acceptable impact on residential amenity.

3. Impact on Highway Safety

The proposed installation of an access platform lift at 9 Fernside Avenue would not affect existing parking arrangements or access to and from the property from the highway, because prior to development, the property did not have off-street parking facilities to the front elevation. Furthermore, the access platform lift is to erected within the boundaries of the application site and therefore, would not affect the availability of off-street parking within the residential area. For these reasons, the proposal is considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan.

4. Other Matters

Climate Change

On 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.

In this case, due to the nature of the proposal it is not considered reasonable to require the applicant to put forward any specific resilience measures. Resultantly, the proposal aligns with Chapter 14 in the NPPF.

Bats

The application site lies within the bat alert layer on the Council's GIS system. However, due to the nature of the proposed works, there is no potential for roosting bats and therefore, the development of an access platform lift accords with the aims of Chapter 15 of the NPPF.

5. Representations

No representations were received.

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.

This application has been assessed against relevant policies in the development plan and other material 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: **2020/93681**
Officer Recommendation: **Approve**

Conditions and Reasons:

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of 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 specifications 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 Policy LP24 of the Kirklees Local Plan.

Note: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Note: The application site is located within a low coal risk area.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received

Plan Type	Reference	Version	Date Received
Plans – Location Plan	-	-	17.11.20
Plans – Proposed Elevations	7262_A_PP.PDF	3	15.1.21

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 Authority have, 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. Amended plans were sought with regard to the proposed scale of the drawings. Amended plans were submitted.

Report Dated: 18.1.21