

**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:	<b>2023/62/92119/W</b>
Site Address:	106, Lamb Hall Road, Longwood, Huddersfield, HD3 3TJ
Description:	Erection of replacement front steps and associated alterations
Recommending Officer:	Luke Walstow

**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.**

John Holmes

***AUTHORISED OFFICER***

**Date: 08-Nov-2023**

## **OFFICER REPORT**

Application Reference: 2023/92119

Site: 106, Lamb Hall Road, Longwood, Huddersfield, HD3 3TJ

### **Site Description**

The site relates to 106 Lamb Hall Road, a mid-terraced dwelling located within a residential area of Longwood, Huddersfield. The dwelling is constructed from stone, which matches dwellings within the row of houses. Outdoor private garden space is located to the rear of the site. Grade II listed buildings (96-104 Lamb Hall Road) are located adjoined to the host dwelling, located to the southeast. The site is located within the green belt.

### **Description of Development**

The applicant is seeking planning permission for erection of replacement front steps and associated alterations.

The proposed stairs will project 1.94 metres and have a width of 2.55 metres. The stairs will bend around an existing planter. Black painted stainless-steel balustrades with a handrail will enclose the stairs. The steps would be constructed from natural coursed stone to align with the design of the surrounding area and host dwelling.

### **History of negotiations/amendments sought**

Amendments have been sought to change the glass balustrades submitted on submission to be black stainless steel metal railings. This was requested so that the development would not hinder the setting of the adjoined listed building. The agent was asked to confirm where bin storage would be given parking arrangements would slight change with the introduction of the steps. Reflective strips have also been requested in order to prevent oncoming traffic hitting the steps.

### **Planning History**

There is no planning history for the site

### **Publicity and Representations**

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, this application has been publicised via neighbour notification letters.

Final publicity date expired 01<sup>st</sup> September 2023 – no representations received.

### **Consultation Responses**

KC Conservation and Design – Internal consultations regarding the impact the proposal would have on the listed building adjoined to the host dwelling of the application site. Recommend the removal of the glass balustrade and recommended traditional black railing to be used.

KC Highways – No objection given the footway is not adopted highway. Requested the applicant to show where bins would be stored, and reflective strips placed upon the steps to prevent highway accidents occurring.

Waste Planning – Content with plans for bin storage.

## **Planning Policy Background**

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 within the Green Belt as indicated within the adopted Kirklees Local Plan

### Kirklees Local Plan

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 21** – Highway Safety
- **LP 22** – Parking Provision
- **LP 24** – Design
- **LP 30** – Biodiversity and Geodiversity
- **LP 35** – Historic Environment
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 57** – The extensions, alteration or replacement of existing buildings

### National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, 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 4** – Decision-Making
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 12** – Achieving Well-Designed places

- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- **Chapter 15** – Conserving and Enhancing the Natural Environment
- **Chapter 16** – Conserving and enhancing the historic environment

### Supplementary Planning Documents

Kirklees Highway Design Guide (November 2019)  
House Extensions and Alterations SPD (June 2021)

### Legislation

The Town & Country Planning Act 1990 (as amended).  
The Planning and Compulsory Purchase Act 2004  
The Conservation of Habitats and Species Regulations 2017

### **Assessment**

The following matters are considered in the assessment below –

1. Principle of development
  1. Impact upon the character and appearance of the area
  2. Impact upon residential amenity
  3. Impact upon highway safety
  4. Other matters (including climate change and biodiversity)
  5. Representations
  6. Conclusion

### **1 – Principle of Development**

#### 1.1 Sustainable Development

NPPF Paragraph 11 and Policy LP1 of the Kirklees Local Plan outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

Policy LP1 of the Kirklees Local Plan (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 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.*

Policy LP2 of the KLP sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

### 1.2 Land Allocation (Green Belt)

The site is allocated as Green Belt on the Kirklees Local Plan.

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF also identifies five purposes of the Green Belt. Paragraph 147 of the NPPF states that inappropriate development should not be approved except in ‘very special circumstances.

Paragraphs 149 and 150 of the NPPF set out that certain forms of development are exceptions to ‘inappropriate development’. Paragraph 149 sets out that the extension or alteration of a building could be appropriate provided it does not result in disproportionate additions over and above the size of the original building. Policy LP57 of the Kirklees Local Plan is consistent with advice within the NPPF.

Policy LP57 of the Local Plan relates to the extension, alteration and replacement of existing buildings in the Green Belt. In the case of extensions (including outbuildings which can be deemed as extensions due to their proximity and association with the host building), it notes that these will be acceptable provided that the original building remains the dominant element both in terms of size and overall appearance. Policy LP57 also outlines that such development should not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standing, curtilages and enclosures and means of access. Further to this, Policy LP57 states that with such development, the design and materials should have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting.

### 1.3 Is the development inappropriate in the Green Belt?

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF also identifies five purposes of the Green Belt, the most relevant in this case being to assist in safeguarding the countryside from encroachment. Paragraph 147 of the NPPF states that inappropriate development should not be approved except in very special circumstances. Certain forms of development are exceptions to ‘inappropriate development’. These are set out within paragraphs 149 and 150 of the NPPF.

The construction of new buildings is regarded as inappropriate development in the Green Belt. Within paragraph 149, one of the exceptions to this is the extension or alterations of a building providing that this does not result in disproportionate additions over and above the size of the original buildings.

In this case the works are for external steps to the front of the dwelling. The steps would increase the footprint of the dwelling by a marginal amount. As such, this is not considered to result in disproportionate additions to the property. It is not considered that the openness of the Green Belt or the appearance of the area would be compromised as a result of the works, with the structure proposed reading as part of the host property and within the context of existing built form.

It is therefore concluded that the proposed development would not constitute a disproportionate addition and the proposal would comply with the requirements of policy LP57 of the Local Plan and policies within Chapter 13 of the NPPF.

In this case, the principle of altering the dwelling to include external front steps is considered to be acceptable subject to being concluded as acceptable when assessed against the applicable material planning considerations, which are discussed in the following report.

## **2 – Impact on character and appearance of the area including heritage impact**

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 126 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.

Policy 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...” and “c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...”*

Key Design Principles 1 and 2 of the Council’s adopted House Extensions and Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality.

LP35 of the Kirklees Local Plan requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets.

At paragraphs 199 – 202 the NPPF is clear, that where development leads to substantial harm, this is necessary to achieve substantial public benefits that outweigh that harm or, in the case of less than substantial harm this should be weight against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The adjoining building is Grade II listed and therefore Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic importance which it possesses'.

The proposed steps would be constructed from natural coursed stone, which would match materials of the host dwelling and surrounding dwellings. The steps are small in footprint and mass and would be a subservient addition to the dwelling. The balustrades are to be stainless steel and black colour finish. This new proposed material is considered to be acceptable and would not detract value away from the adjoined listed building. It is considered the proposal would not cause harm to the listed building given the design and materials proposed and in this case there is not a requirement for public benefits to be in place to outweigh any identified harm.

Overall, it is considered that the proposal would not cause detrimental harm to the visual amenities of the locality, nor would it cause harm to the setting of the adjoined Grade II listed building. The proposal is therefore considered to be in accordance with Policies LP24 of the Kirklees Local Plan, policies within Chapters 12 and 16 of the NPPF and Principles 1 and 2 of the Kirklees House Extensions and Alterations SPD. This conclusion is drawn on the basis conditions are included to ensure the materials of construction are those as set out in the submitted drawings.

### **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 130 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.

The House Extensions and Alterations SPD sets out a number of design principles which will need to be considered when assessing a proposal's impact on residential amenity, which state:

- Principle 3 – that: *“extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours.”*
- Principle 4 – that: *“extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light, and outlook.”*
- Principle 5 – that: *“extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property.”*
- Principle 6 – that: *“extensions and alterations should not unduly reduce the outlook from a neighbouring property.”*
- Principle 7 – that: *“extensions and alterations should ensure an appropriately sized and useable area of private outdoor space is retained. Normally at least half the garden area should be retained as part of the proposals.”*

Due to the nature of the development and its subservient size in relation to projection, width and height, the proposed external steps would not create any significant impacts for surrounding neighbouring dwellings in terms of overshadowing or as a result of being oppressive / overbearing.

The proposal would see people at a raised level to the front of the dwelling, however, given the siting of the windows in the adjoining property and the scale of the proposal it is not considered that the raised platform would lead to an unacceptable level of overlooking occurring which is significantly over and above that which can occur already and the proposal is considered to be acceptable in this case.

Principle 7 seeks to maintain adequate outdoor space to ensure a dwelling has sufficient amenity space for the current and future occupier. Although the steps utilise space to the front of the dwelling, there is adequate outdoor space retained in the rear garden to be used by current and potential future occupants.

Given the above, it is considered that the proposed development would not cause undue harm to residential amenity. It is therefore considered that the proposed development complies with Local Plan Policy LP24, Chapter 12 of the National Planning Policy Framework and Principles 3-7 of the House Extensions and Alterations SPD.

## **4 – Impact on Highway Safety**

Policies LP21 and LP22 of the Kirklees Local Plan and Policies within Chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the Council's adopted House Extensions and Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

The proposed development does not involve additional bedrooms being created, resulting in the number of potential occupants on site remaining the at existing levels. The proposed external steps would see a structure in place in closer proximity to the highway which would increase the risk of vehicles hitting the external steps. It is noted that a structure could be erected along the boundary at the front of the site in any case by utilising pd rights and as such it is not considered a refusal on the basis of the impact of the proposal upon the highway could be substantiated in this case. The Council's Highways Team have advised the site is not adopted highway and as such there is a realistic fall back which could see this land enclosed in any event.

Reflective strips have been added to the steps (within the submitted amended plans) in order to reduce the potential for the structure being struck by vehicles at the request of KC Highways. Amended plans have been submitted showing a car can park in front of the dwelling should the proposed steps be constructed. On the basis of the inclusion of a condition requiring the provision of the reflective strips to the structure KC Highways and planning officers have no objection to the proposal under highway specifications.

The applicant has specified where bin will be stored, which has been accepted by KC Waste Planning and KC Highways.

It is therefore considered that in terms of access and highway safety / parking the proposal would comply with Policies LP21 and LP22 of the Kirklees Local Plan, Principles 15 and 16 of the House Extensions and Alterations SPD and Chapter 9 of the National Planning Policy Framework.

## **5 – Other matters/Climate Change**

### 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.

Principles 8-11 of the House Extensions and Alterations SPD also relate to combatting climate change and they state the following:

- Principle 8 (Energy Efficiency): Extensions and alterations should, where practicable, maximise energy efficiency.
- Principle 9 (Construction Materials): Extensions and alterations should seek to use innovative construction materials and techniques, including reclaimed and recycled materials where possible.
- Principle 10 (Renewable Energy): Extensions and alterations should consider the use of renewable energy.
- Principle 11 (Water Retention): Extensions and alterations should consider designing water retention into the proposals.

Considering the modest nature of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency.

### Biodiversity

Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 179 of the NPPF outlines that decisions should promote the protection and recovery of priority species and identify and pursue opportunities for securing net gains for biodiversity. Paragraph 180 goes on to note that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Policy LP30 of the Kirklees Local Plan echoes the NPPF in respect of biodiversity. Policy LP30 outlines that development proposals should minimise impacts on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist.

Given the nature of the proposal, this being a raised access to the front of the property, it is not considered reasonable to request biodiversity enhancements in this case.

The application site lies within the bat alert layer on the Council's GIS system. As the proposal is for external front steps and will not impact the existing roof of the host dwelling, it is unlikely to contain roosting bats and it is considered that the proposal would unlikely harm protected species.

The proposal is considered to accord with the aims of Policy LP30 of the KLP and Chapter 15 of the NPPF, as well as Principle 12 of the House Extensions and Alterations SPD

## **6 – Representations:**

None 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 proposed development would constitute sustainable development and is therefore recommended for approval.

**Recommendation**

**APPROVE**

## **Decision Authorisation - Delegated Powers**

**Application Number: 2023/92119**

**Officer Recommendation: Conditionally Approve**

## **Conditions**

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 (as amended).
2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications 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 with Policies LP1, LP2, LP21, LP22, LP24, LP30, LP35 and LP51, LP57 of the Kirklees Local Plan, Principles 1-17 of the Council's adopted House Extensions and Alterations SPD and policies within Chapters 2, 4, 9, 12, 14, 15 & 16 of the National Planning Policy Framework.
3. The external materials of construction shall be natural coursed stone to match the host property with stone copings and steel railing balustrade of a black colour finish in accordance with the details set out within submitted drawing 202373703RevC and retained thereafter.  
**Reason:** In the interests of visual amenity and to preserve the setting of the adjacent Grade II listed building to accord with policies LP24 & LP35 of the Kirklees Local Plan, principles 1 and 2 of the House Extensions

and Alterations SPD and policies within Chapters 12 and 16 of the National Planning Policy Framework.

4. Two reflective strips shall be in place prior to the development being brought into use, in the locations detailed upon submitted drawing 202373704 RevA and retained thereafter.

Reason: In the interests of access and highway safety to accord with policy LP21 of the Kirklees Local Plan, the Council's Highway Design Guide and policies within Chapter 9 of the National Planning Policy Framework.

Plans and specifications schedule: -

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	2023 737 01		24 July 2023
Block Plan Showing Frontage	2023 737 04 Rev A	A	27 October 2023
Plan and Elevations as Existing	2023 737 02 Rev A	A	24 July 2023
Plans, Elevation, K Section as Proposed	2023 737 03 Rev C	C	27 October 2023
Design and Access Statement			24 July 2023
Climate Change Statement			25 July 2023

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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Officers had concerns with the balustrades, bin storage and parking arrangements. Concerns were addressed by the agent through amendments which were submitted.

**Report Dated:** 06/11/2023