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:	**2023/62/92196/W**
Site Address:	66, Harpe Inge, Dalton, Huddersfield, HD5 9RB
Description:	Installation of access platform lift
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: 29-Sep-2023

OFFICER REPORT

Application Reference: 2023/92196.

Site: 66, Harpe Inge, Dalton, Huddersfield, HD5 9RB

Site Description

66 Harpe Inge relates to a semi-detached dwelling located within the residential area of Dalton, Huddersfield. Dwellings within the area are constructed from similar materials, creating a street scene where dwellings are matching in design and scale. Dwellings are located on a higher elevation than the highway. Parking for dwellings is on street.

Description of Development

The applicant is seeking planning permission for the installation of access platform lift,

The proposed platform lift will be installed to the front of the dwelling within the front garden area having a length of 1.52 metres and a maximum width of 1.24 metres. The lift will provide access to the dwelling, which is currently inaccessible to the occupants except by steps, with the dwelling being located at a higher level than the highway/ground level.

History of negotiations/amendments sought

No amendments have been sought in the processing of this application as it was considered acceptable as submitted.

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 28th September 2023 – no representations received.

Consultation Responses

No statutory consultations were requested for this application.

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 unallocated in 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 51 –** Protection and Improvement of Local Air Quality

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

Other Material Considerations

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

The site is without notation on the Kirklees Local Plan. 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. Policy 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".*

In this case, the principle of the rear extensions could be acceptable, but this is subject to an assessment against the applicable material planning considerations, which shall be discussed below:

2 – Impact on character and appearance of the area

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.

The proposal is for a platform lift, a development which is small in size and scale. Due to its small nature in size, the proposed development is not considered to result in overdevelopment of the application site, or the front of the dwelling. The design of the lift is a simple structure and has a standard functional design for this type of proposal. The development would be read in the context of the purposed it would function as, in addition the open design of the lift would mean the bulk and massing of the proposal would not be significant in this case.

The development would be located to the front of the dwelling and by being located on a higher elevation, has the potential to be widely visible from the highway, however due to the small nature, the lift is considered not to be detrimental to visual amenity in relation to the dwelling and wider street scene, taking account of the fact other outdoor amenity space at 66 Harpe Inge would remain soft landscaped.

It is therefore considered that in terms of visual amenity, the proposal would comply with Policy LP24 of the Kirklees Local Plan, Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD and Government guidance contained within Chapter 12 of the National Planning Policy Framework.

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."*

Impact on 64 Harpe Inge

64 Harpe Inge is the adjoined semi-detached dwelling to the dwelling within the application site. The lift would be located on the shared boundary with this neighbouring dwelling. As the lift is small in footprint and appearance, it would not be overbearing or impact the level of light this neighbour receives. The nature of the proposal would not lead to any conflict of privacy or overlooking given it would serve as an access. The proposal is therefore considered to be acceptable having regard to the residential amenity of no.64 Harpe Inge.

Impact on 68 Harpe Inge

68 Harpe Inge is a semi-detached dwelling located to the north of the application site. The lift is not located close to this neighbouring boundary and would not significantly impact these neighbouring dwellings residential amenity in terms of being overbearing / oppressive, leading to overshadowing or leading to a detrimental level of overlooking occuring.

Principle 7 seeks to maintain adequate outdoor space to ensure a dwelling has sufficient amenity space for the current and future occupiers. Although the lift would utilise space to the front of the dwelling, adequate outdoor space would be retained to the front and rear of the dwelling to be utilised by current and future occupants.

It is therefore considered that in terms of residential amenity, the proposal would comply with Policy LP24 of the Kirklees Local Plan, Principles 3, 4, 5, 6 and 7 of the Council's adopted House Extensions and Alterations SPD and Government guidance contained within Chapter 12 of the National Planning Policy Framework.

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 lift would not impact the parking capacity on site or change any highway access on site, thus being accepted from a highway's perspective.

It is considered that waste storage and collection arrangements would remain as existing, and that the proposal would also be in accordance with Principle 16 of the House Extensions and Alterations SPD too.

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

Principle 12 of the House Extensions and Alterations SPD states that: "Extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity." Given the nature of the proposal, it is not considered reasonable to require biodiversity enhancements in this case.

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: 2023/92196

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 and LP51 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 and 15 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location Plan			20 July 2023
Proposed arrangement of external steplift (LL800) at 66 Harpe Inge, Hd5 9RB.	10292	A	20 July 2023
12 X plans titled Proposed planning permission of an external steplift (LL800) at 66 Harpe Inge, HD5 9RB	PP-315563	A	22 August 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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

Report Dated: 28/09/2023

Coal – Low