

**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:	2024/62/90389/W
Site Address:	25, Ivy Street, Crosland Moor, Huddersfield, HD4 5RB
Description:	Erection of staircase to front elevation with replacement porch roof and alterations (retrospective)
Recommending Officer:	Laura Yeadon

DECISION - REFUSE

I hereby authorise the refusal of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Julia Steadman

AUTHORISED OFFICER

Date: 03-Apr-2024

Officer Report

[Weblink](#)

Site Description

25 Ivy Street is a two storey mid-terraced property located within an area without notation on the Kirklees Local Plan. The property is constructed from natural stone with blue slate roof. The property has garden areas to the front and rear and the site has recently been granted planning permission for a single storey rear extension, a front porch, rear dormer and external alterations.

The properties along Ivy Street are uniform in character with no other front extensions evident within the street scene. Bay windows are evident however on the terraced row of properties on the opposite side of Ivy Street further northwards.

Description of Proposal

The application is for erection of a staircase to the front elevation with replacement porch roof and alterations. The application has been submitted retrospectively as the works to the porch, staircase and porch roof have been constructed on site. The works are not in accordance with the details approved under application number 2021/92910.

The measurements of the proposal are as follows:

Porch and porch roof

The porch subject of this application has a width of 2.1 metres projecting 1.8 metres from the front elevation of the property. The eaves height is 3.5 metres with an overall height of 4.1 metres. The dimensions of this element of the scheme is as previously approved. The roof of the porch was approved as a lean-to roof however the constructed roof is a pitched roof.

Staircase

The approved porch had a set of 4 no. steps whereby on site, a full staircase has been constructed which includes tiered side elevations constructed from stone to which contains 7 no. steps and projects an additional 2.6 metres to the front of the porch.

Alterations

The proposed alterations include black metal balustrade to the side elevations of the staircase which is a total of 1.1 metres above the base of the steps.

Officer note – It is noted that the fenestration details within the previously approved fenestration details have been amended within the submission of this application. However, these amendments have not been included within the

application form nor have they been advertised within the description of development. As such, the only works considered within this application are those as set out in the description of development.

History of negotiations/amendments received

No negotiations have taken place with the applicant/agent due to the application being submitted retrospectively. Clarification was sought from the Agent as it was noted on site that there was a side elevation opening within the staircase. The Agent confirmed that the window was only to allow light into the storage area. Updated plans demonstrating the opening were subsequently received.

Relevant Planning History

2021/92910 Demolition of existing rear extension, erection of single storey rear extension, front porch, rear dormer with exterior alterations
Conditional Full Permission

Representations

We are currently undertaking the legal 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.

Final publicity date expired 25th March 2024

Parish/ Town Council – not applicable

As a result of the public consultation period one representation has been received with the summary of comments set out below:

- Staircase to front elevation is not in keeping with other properties on Ivy Street
- Out of palace and is large and imposing

The amended plans were considered to make marginal changes to the proposal's design in terms of including an opening which has been inserted into the staircase and as such were not publicised on the basis it was considered the plans as advertised adequately alerted the public to the nature of the proposed development.

Consultation Responses

None required

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:

- **LP 1**– Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways safety
- **LP 22** - Parking
- **LP 24** – Design
- **LP 51** – Protection and Improvement of Local Air Quality

Supplementary Planning Documents:

- House Extensions and Alterations SPD

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 December 2023, 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 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding & coastal change.

Legislation

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).

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.

Policy LP2 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design, including the adopted Kirklees Supplementary Planning Document on House Extensions (SPD).

Within the adopted SPD, Key Design Principles 1 and 2 are relevant to the consideration of the principle of the development & visual amenity and are considered within the following report. These policies state the following:

- Principle 1 – that “extensions and alterations to residential properties should be in keeping with the appearance, scale, design, and local character of the area and the street scene.”
- Principle 2 – that “extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and detail.”

With specific regard to the House Extensions and Alterations SPD the other key design principles for consideration are:

- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 8: Energy efficiency
- Key design principle 9: Construction materials

- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

With specific regard to the proposed development the SPD states that in terms of front extensions:

...In section 5.2 and the potential impact they could have on the character of the area and visual amenity. The SPD advises that front extensions will not normally be supported unless:

- The house is set well back from the pavement or is well screened; and
- The extension is small, subservient to the original building, well-designed and would not harm the character of the original house or the area; and
- The materials and design match the existing features of the original house; and
- The extension would not unreasonably affect the neighbouring properties.

It is important to note that the principle of a porch to the front elevation of the property has been established via the recent granting of planning permission and therefore, the consideration for this application is the change in roof form, inclusion of a staircase and alterations which include the railings.

Therefore, it can be stated that the principle of development is acceptable subject to the assessment of impacts on visual and residential amenity and highway safety.

2 – Impact on visual amenity:

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

Whilst the principle of the construction of a porch has been previously established, the works that have been completed on site differ from the approved plans. The works that seek permission includes the addition of a staircase with railings above and the alteration of a lean-to porch roof to a pitched roof.

The creation of the staircase extends forward of the front elevation of the porch by an additional 2.6 metres which results in a prominent structure within the street scene. There is a uniformity of flush front elevations within the terraced row which does not host any other front porches. Due to the prominence and depth of the staircase, in conjunction the pitched roof which has more visual

impact than the simple lean-to roof as previously approved, the works in totality would detract from the visual amenity of the area and forms an overly prominent and incongruous feature with a resultant adverse visual impact that would be contrary to Policy LP24 (a) of the Kirklees Local Plan. This Policy states that the form, scale, layout and details of all development should respect and enhance the townscape. This is further supported by the House Extensions and Alterations SPD which states that front extensions are highly prominent in the street scene and can erode the character of the area.

It is noted that the works have a stark appearance due to the materials of construction. As the porch and staircase are constructed from stone, this will, in time, weather to blend in more with the appearance of the host dwelling.

It is therefore considered that the cumulative impact of the staircase and alterations with the change of roof form would fail to comply with Policy LP 24 (a and c) of the Kirklees Local Plan, Key Design Principles 1 and 2 of the House Extensions and Alterations SPD and advice within Chapter 12 of the NPPF.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

An assessment of the impact of the proposal has previously established that there would be a minimal impact on the neighbouring properties. Whilst the formation of a pitched roof would increase the impact on the attached neighbouring property to the north, as the structure has a limited projection, identical to that already approved and that the staircase is at a relatively low level due to the neighbouring property having a raised garden it is not considered that the harm to residential amenity would be so adverse that there would be sufficient justification to refuse the application by reason of impact on the residential amenity.

Therefore, it is considered that the works are acceptable in terms of residential amenity. It is considered there will be no significant impact on neighbouring properties, in terms of overshadowing, overbearing or overlooking, and the proposal would accord with the aims of policies LP1, LP2 & LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations Supplementary Planning Document as well as policies within chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan 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 adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

In this case the changes to the porch would not have an adverse effect on highway safety or parking provision.

It is also noted that there is sufficient space within the site boundary to accommodate bin storage and therefore would comply with Key Design Principle 16 of the SPD.

5 – Other matters:

Climate Change - Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

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 pre-dates 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.

A Climate Change Statement accompanies the application submission. The content of the Statement is considered to be acceptable in terms of the context of the works.

6 – Representations:

One letter of representation has been received with the following being a summary of comments and LPA response:

- Staircase to front elevation is not in keeping with other properties on Ivy Street

Response: This has been addressed above

- Out of palace and is large and imposing

Response: This has been addressed above.

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 proposals do not accord with the development plan and/or the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material consideration.

Recommendation

REFUSE

Decision Authorisation - Delegated Powers

Application Number: 2024/90389

Officer Recommendation: Refuse

1. The proposed development, due to the prominence and depth of the staircase, in conjunction with the pitched roof of the porch and associated works in totality would detract from the visual amenity of the area and forms an overly prominent and incongruous feature which has an adverse visual impact, and which fails to harmonise with the host building and wider terraced row. This would not comply with Policy LP 24 (a and c) of the Kirklees Local Plan, Key Design Principles 1 and 2 of the House Extensions and Alterations Supplementary Planning Document and advice within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan and existing site plan	TR-A24-0105-001		12 th February 2024
Existing elevations and floor plans	TR-A24-0105-002		12 th February 2024
Location plan and proposed site plan	TR-A24-0105-006		12 th February 2024
Proposed ground floor plan and 3D plan	TR-A24-0105-007 - Rev: A		7 th March 2024
Proposed elevations	TR-A24-0105-008 – Rev: A		7 th March 2024

Plan Type	Reference	Version	Date Received
Climate Change Statement	Appendix A		15 th February 2024

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.

No negotiations have taken place with the applicant/agent due to the application being submitted retrospectively. Clarification was sought from the Agent as it was noted on site that there was a side elevation opening within the staircase. The Agent confirmed that the window was only to allow light into the storage area. Updated plans demonstrating the opening were subsequently received.

Report Dated: 2nd April 2024

Coal – non