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:	**2024/62/91166/E**
Site Address:	13, Meadowlands, Scholes, Cleckheaton, BD19 6HB
Description:	Installation of access platform lift
Recommending Officer:	Faiza Bano

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 10-Jul-2024

Officer Report

Site Description

13 Meadowlands, Scholes, Cleckheaton is a detached property spread over 1,089 square feet. The property is constructed from walling stone, there are gardens to the front and rear, and a driveway to the front. There is also a porch and garage extension.

There are residential properties to the rear and side of the dwelling, but none to the front.

Description of Proposal

Permission is sought for the installation of an access platform lift within the front curtilage of the application site. The proposed access platform lift measures 2883mm x 1304mm and would rise approximately 680mm in height from the ground level of the site.
The works are set wholly within the applicant's land with no overhang on to the neighbouring properties.

Relevant Planning History

Planning Ref: 88/02140
Proposal: Extension to garage and erection of porch
Decision: GC - GRANTED CONDITIONALLY
Decision Date: 1988-06-10

Representations

The application was advertised by neighbour notification letters, which expired on the 21st of June 2024. As a result of the above publicity, no representations were received.

Consultation Responses

None undertaken

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 UNALLOCATED on the Kirklees Local Plan Proposals Map. The most relevant Kirklees Local Plan Policies for consideration in this case are:

- **LP 1 -** Achieving Sustainable Development
- **LP 2 -** Place Shaping
- **LP 21 -** Highways and Access
- **LP 22 -** Parking
- **LP 24** – Design

Kirklees Council adopted supplementary planning guidance on house extensions on 29th June 2021 which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene.

As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in the approach and outcomes relating to house extensions.

In this case, the following SPDs are applicable:

- Highways Design Guide SPD (adopted 4th November 2019)
- House Extensions and Alterations SPD (adopted 29th June 2021)

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

1 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. Representations
5. Other matters
6. Conclusion

Principle of Development

The site is without notation on the Kirklees Local Plan. When considering development proposals, policy LP1 of the KLP states that, 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 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Key Design Policy 17 of the House Extensions and Alterations SPD states that extensions and alterations to existing houses should consider how the needs of a range of different users can be met in facilitating access and movement. 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 installing an access platform lift is acceptable and shall be assessed against the applicable material planning considerations within the following report.

Impact on Visual Amenity

Policy LP24 (Design) of the Council’s adopted Local Plan sets out that proposals should promote good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers. Chapter 12 of the NPPF is also relevant to the proposal.

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.

Assessment

The proposed platform lift would be installed within the front curtilage of the dwelling and would provide access to the primary entrance of the house, which has an existing stepped entrance. The access lift would be installed where the current steps are. The lift would be small in scale and approximately 3.3 metres away from the pavement. In terms of the context of a limited front amenity area, the lift will not be a noticeable feature; however, due to the privacy provided by the fence along the boundary, it will not be prominent. Nevertheless, the proposal would help to provide a lifetime home for the occupants and is a wholly reversible feature when no longer required. When the lift is in the lower position its mass is reduced and the guardrails are a lightweight feature.

On the basis of the above, the proposal would not cause any significant harm to the appearance of the local street scene. It is therefore considered that in terms of visual amenity, the proposal would comply with Policy LP24 of the Kirklees Local Plan, the Key Design Principles 1 and 2 in the House Extensions and Alterations SPD, and advice within the National Planning Policy Framework.

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.

Assessment

The proposed access lift elevates to a total height of 0.68 metre from ground level. The main amenity area of neighbouring dwellings appears to be located at the rear and the proposed installation of the access lift is unlikely to cause any undue harm on the level of privacy by neighbouring properties as it would provide the same ability to view as the existing steps.

The low-level nature of the proposed works would not cause detrimental harm or cause overshadowing or be overbearing to neighbours, and it is set off the boundary of both numbers 9 and 13 Fountain Street. It is therefore considered that in terms of residential amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the adopted House Extensions and Alterations SPD, and advice within Chapter 12 of the National Planning Policy Framework

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 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.

Assessment
The application property is a detached dwelling where there is off-street 'in curtilage' parking available, however the proposed installation of a platform access lift will not affect any existing parking arrangements. In this case, it would be considered that in terms of access and highway safety and parking, the proposed would comply with Policies LP21 and LP22 of the Kirklees Local Plan, principle 15 of the Council's Street Design Guide and chapter 9 of the National Planning Policy Framework.

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.

Other Matters

Carbon Budget

On the 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.

Assessment

The proposal is a small-scale domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions.

There are no other matters for relevant to the determination of this application.

Representations

No representation received following the statutory publicity.

Negotiations

No amendments were sought or received during the consideration of the application.

Conclusion

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken constitutes 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:	**2024/91166**
Officer Recommendation:	**Approval**

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.

1. 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 to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22 and LP24 of the Kirklees Local Plan, Key Design Principles 1 & 2 of the House Extensions and Alterations SPD and the aims of the National Planning Policy Framework.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours, Mondays to Fridays

08.00 and 13.00hours, Saturdays

With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Proposed Elevations	Proposed Front Elevation		16/05/2024
Proposed Elevations	Proposed Side Elevation 2		16/05/2024

Proposed Elevations	Proposed Side Elevation		16/05/2024
Proposed Elevations	Proposed Isometric Elevation 2		16/05/2024
Proposed Elevations	Proposed Isometric Elevation		16/05/2024
Existing Elevations	Existing Front Elevations		16/05/2024
Existing Elevations	Existing Side Elevation 2		16/05/2024
Existing Elevations	Existing Side Elevation		16/05/2024
Existing Elevations	Isometric Elevation 2		16/05/2024
Existing Elevations	Isometric Elevation		16/05/2024
Plan General	Proposed Plan		16/05/2024
Plan General	Existing Plan		16/05/2024
Location Plan	Location Plan		16/05/2024
Grouped Plans and Elevations	7203_A - 322671		16/05/2024

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 Planning 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. As the submitted plans were considered to be acceptable, no changes were sought.

Report Dated: 28th June 2024