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:	**2024/62/92524/E**
Site Address:	35, Carr Side Crescent, Batley, WF17 7JN
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: 20-Dec-2024

Officer Report

Site Description

The application site relates to 35 Carr Side Crescent; a semi-detached dwelling finished in red brick has a roof finishing of tiles. The property benefits from gardens to the front and rear, including a driveway that is open across the frontage.

The property is set back from the road and the street scene is made up of residential properties of similar character and materials.

Description of Proposal

The application is seeking planning permission for the installation of an access platform lift within the front curtilage of the application site. The proposed platform lift measures to 3040mm x 1304mm and would rise approximately 2126mm in overall height from the ground level of the site.

Relevant Planning History

Planning Ref: 2007/93749
Location: 35 & 37, CARR SIDE CRESCENT, BATLEY, WF17 7JN
Proposal: ERECTION OF TWO OUTHOUSE/STORES
Decision: FC - CONDITIONAL FULL PERMISSION
Decision Date: 2007-10-31

Planning Ref: 2008/91713
Location: 35, CARR SIDE CRESCENT, BATLEY, WF17 7JN
Proposal: ERECTION OF TWO STOREY EXTENSIONS, PORCH AND SHED
Decision: FC - CONDITIONAL FULL PERMISSION
Decision Date: 2008-07-01

Representations

The application was advertised by neighbour notification letters, which expired on the 29th of October 2024. As a result of the above publicity, no representations were received.

Consultation Responses

None

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 within a low risk coal area and an LB Airport Consult - Area 1 on the Kirklees Local Plan Proposals Map. The most relevant policies for consideration in this case are:

Kirklees Local Plan Policies

- **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 12th December 2024, 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

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. Conditions
7. Conclusion

Principal 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. Paragraph 135 of the NPPF is also of relevance to the consideration of this application.

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 through the secondary entrance of the house. The primary and secondary entrance to the dwelling has an existing stepped entrance. The access lift would be installed to the to the secondary entrance as this would prevent taking away existing parking space as the base of the proposed development does not go beyond the steps of the primary entrance; the lift will also be easily accessible from the driveway. The lift would be small in scale and away from the pavement. In terms of the context of a limited amenity area, the dwelling is minimally affected. The lift will not be a prominent feature; however, it will be noticeable. Nevertheless, the feature 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.

Given this, it 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 proposed 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 1 metre with an overall height of 2126mm from ground level. The main amenity area of neighbouring dwellings is located to the front and rear and due to the location of the proposed lift, the installing of the access lift is unlikely to cause any undue harm on the level of privacy by neighbouring properties.

The low-level nature of the proposed works would not cause detrimental harm or cause overshadowing or be overbearing to neighbours. There is no impact on number 33 and 37 Carr Side Crescent as the application site is set back

and it is determined that there will be no issues regarding overshadowing or overbearing. 24 Carr Side Crescent shall see the proposed access lift, however, there is no detrimental impact on this property.

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.

In this instance, due to the location of the proposal, the existing off-street parking provision to serve the dwelling would not be affected, in accordance with Policies LP21 and LP22 of the KLP.

Assessment

The application property is a semi-detached dwelling where there is off-street and '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 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.

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.

Biodiversity

With regards to Key Design Principle 12 - Natural Environment. Extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

There are no records of protected species at or neighbouring the site and given the modest scale of the proposed development, it is considered that enhancement of the natural environment is not required in this instance.

There are no other matters for consideration.

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: 2024/92524
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.

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 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 Site/Block Layout	-		24-Sep-2024
Grouped Plans and Elevations	-		24-Sep-2024
Location Plan	-		24-Sep-2024
Grouped Plans and Elevations	10433_A - 325804		24-Sep-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: 19th December 2024