
Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 29-Jul-2020

Subject: Planning Application 2020/91191 Installation of incline platform lift and associated works 65, Banks Road, Linthwaite, Huddersfield, HD7 5FP

APPLICANT

I Wright

DATE VALID

22-Apr-2020

TARGET DATE

17-Jun-2020

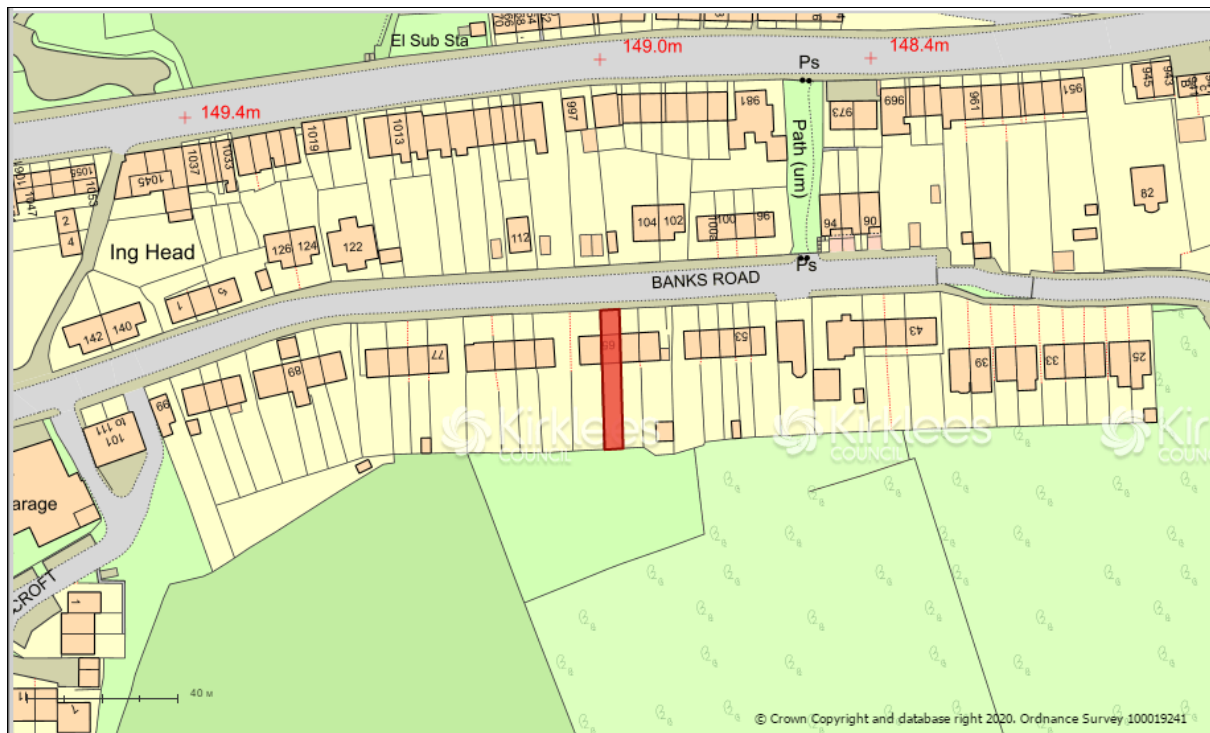
EXTENSION EXPIRY DATE

30-Jul-2020

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Colne Valley

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION

- 1.1 This is an application for full planning permission (reference: 2020/91191), for the installation of an incline platform lift and associated works to the front of no. 65 Banks Road, Linthwaite, Huddersfield, HD7 5FP.
- 1.2 The application is brought before the Strategic Planning Committee as it has been called in by Councillor Bellamy in respect to potential loss of privacy to neighbouring properties.
- 1.3 The chair of the Strategic Planning Committee has confirmed that Cllr Bellamy's reasons for referral to committee are valid having regard to the Councillor's Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS

- 2.1 The application site is no.65, Banks Road, Linthwaite, Huddersfield.
- 2.2 The application site relates to a two storey mid-terraced dwelling, located just off Banks Road in Linthwaite. The property benefits from both front and rear garden/amenity areas, and there is no off-street car parking available at the site.

3.0 DESCRIPTION OF PROPOSAL

- 3.1 The application seeks planning permission for the installation of incline platform lift and associated works to the front of the application site.
- 3.2 At present the dwelling is accessed via 6 concrete steps with the path sloping up at a steady gradient from approx. 1.1m (from the top of the existing steps) up to approx. 2.2m (to the front door). To be able to install the proposed lift some excavation of the existing land will need to take place. The applicant proposes to remove the existing concrete path, access steps, handrail and part of the wall located on the east.
- 3.3 The new proposals would see the current access which measures approximately 1.6m be widened slightly to 1.9m to allow room for the new platform lift to be installed. 16 new brick and flagged steps are to be created with 16 x 80 x 80mm steel stanchions to be concreted into the steps for the lifts installation. The proposed lift would measure 1.2m x 0.8mm with an approximate height of 1.2m,

and a guard rail will be installed which will measure approximately 1.1m in height. New retaining walls are also proposed, these walls will be stepped in height and run along the eastern and western boundaries.

3.4 Materials proposed include retaining walls to be made from brickwork with soldier course or PC capping stones. The galvanised steel railings are to be painted black upon completion, and a new composite door and frame with low mobility threshold is to be installed to replace the existing front door.

4.0 RELEVANT PLANNING HISTORY

4.1 2019/90478 – Certificate of lawfulness for proposed rear dormer. Certificate of lawful operations granted 9th April 2019.

5.0 HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED

5.1 An additional section drawing was requested from the applicant's agent to show the difference in levels between the existing, and proposed alterations.

6.0 PLANNING POLICY

6.1 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).

6.2 The application site is unallocated in the Kirklees Local Plan but is located within the Strategic Green Infrastructure Network and Bat Alert Area. The site is also located adjacent to a PROW to the north and Green Belt to the south.

6.3 Kirklees Local Plan (LP):

- **LP1 – Achieving Sustainable Development**
- **LP2 – Place Shaping**
- **LP21 – Highways and access**
- **LP22 – Parking**
- **LP24 – Design**
- **LP30 – Biodiversity and Geodiversity**
- **LP31 – Strategic Green Infrastructure Network**

6.4 National Policies and Guidance:

- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

7.0 REPRESENTATIONS

- Neighbour Letters – Expired 4th June 2020.
- Site Notice – Expired 1st June 2020.
- Press Notice – Expired 12th June 2020.

7.1 One representation has been received in objection to the proposals. These comments have been summarised below.

- Concerns over how the Council are determining applications during COVID-19.
- Overlooking and loss of privacy.

8.0 CONSULTATION RESPONSES

8.1 **KC Environmental Health** – Comments received 18th May 2020. The application and supporting documents have been reviewed and the Environmental Health officer does not consider there to be any significant environmental health impacts with this development. There are therefore no objections to permission being granted.

8.2 **KC Highways Development Management** – Comments received 11th May 2020. Given that the proposed lift does not encroach onto the footway along Banks Road Highways Development Management have no objection to these proposals. A footnote is recommended which relates to the granting of planning permission within the highway.

8.3 **KC PROW** – No comments have been received within statutory timescales.

9.0 SUMMARY OF PLANNING ISSUES

- Principle of development
- Scale, design and visual impact of the proposed development
- Impact of the proposed development upon the privacy and amenity of neighbouring properties
- Impact on highway safety
- Other matters

10.0 APPRAISAL

Principle of Development:

10.1 The site is without notation in the Kirklees Local Plan (KLP), Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption is favour of sustainable development contained in the NPPF. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered to be acceptable and the proposals shall now be assessed against all other material planning considerations, including visual and residential amenity.

10.2 These issues along with other policy considerations will be addressed below.

Impact on Visual Amenity:

10.3 Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan

Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

- 10.4 Local Plan Policy LP24 states that all proposals should promote good design by ensuring the following:

'the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape' and that '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'.

- 10.5 The property is located on a residential street surrounded by similarly aged properties, it is important to note however, that there is a mix of single and two storey dwellings throughout and these do all vary in design and scale. A number of the properties on this street have been extended or altered in some way over the years, and whilst it is acknowledged that none of the properties have platform lifts installed to the front of their dwellings, it is considered that dependent on design, scale and detailing it may be acceptable to make alterations to the front of the host property.
- 10.6 The host property and its associated curtilage are of a sufficient size to support the proposals without amounting to overdevelopment. The proposals would only seek to lose approximately 0.3m of the front residential garden/amenity space. It is therefore considered that a reasonable amenity space would still be retained and as such the scale of the proposed alterations are considered to be acceptable.
- 10.7 As mentioned previously there are no other dwellings on this street which provide an incline platform lift to the front of their properties, and whilst it is acknowledged that this addition would bring a new feature into the street scene it is considered that on balance the potential visual impact it would have on the character and appearance of the area would be minimal. This is due to the front gardens of all properties on the street varying significantly from one to the other and therefore there is no uniform structure or design, it is therefore considered that this proposed change would not have any detrimental visual impacts in this instance.
- 10.8 In conclusion, the proposals are therefore considered to be appropriate in scale, size, design and location, and that they would not appear incongruous or overly dominant in the context of this site. The proposals therefore accord with LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Impact on Residential Amenity:

- 10.9 The National Planning Policy Framework states that Local Planning Authorities should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings. This is echoed within Kirklees Local Plan Policy LP24 which states that: -

'proposals should provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings and the creation of development-free buffer zones between housing and employment uses incorporating means of screening where necessary'.

Impact on 67 Banks Road

- 10.10 This neighbouring property adjoins the application site to the west. There is a separation distance from the proposed incline lift to this neighbouring dwellings front bay window of approximately 1.4m. Whilst it is acknowledged that the proposals will be raised in height compared to what currently exists, this would be on the landing platform and at the top 3 steps only, with the rest of the site being lower than what currently exists. It also important to note that this increase in height would be by approximately 0.2m (20cm).
- 10.11 Given the nature of the properties located in this terrace views into the front bay windows of these dwellings are already readily available when walking up the access paths to the properties. It is therefore acknowledged that occupiers of no. 65 can already openly look into the front bay window of no. 67 if they so wished to do so when walking up to their dwellinghouse. By introducing the platform lift it is acknowledged that whilst there will be a slight increase in height at the top of the access path and that views may be more prolonged given the speed of the lift on its ascent/descent these views into this window would not be significantly different to what currently takes place. It is therefore considered that the loss of privacy in this instance would be slight and would not be significant enough to sustain a reason for refusal.
- 10.12 In terms of overbearing and overshadowing, the proposed lift would sit approximately 0.3m (30cm) above the existing hedge. Given the orientation of this row of terraces, the dwellings themselves already overshadow part of the front of the properties, therefore this additional 0.3m overshadowing from the proposed lift is not considered to be detrimental and would not impact or reduce the light into the front bay window of no. 67. It is also considered that this slight change in height would not appear overbearing in nature and therefore is deemed to be acceptable in this instance.

Impact on 63 Banks Road

- 10.13 This neighbouring property adjoins the application site to the east. There is a separation distance from the proposed incline lift to this neighbouring dwellings front bay window of approximately 4m. It is considered that given this separation distance and the proposed scale and height of the proposals, that there are no concerns in respect to overshadowing or the proposals being overbearing in nature. In terms of loss of privacy, as outlined above views into neighbouring properties front bay windows are already openly available when accessing the dwellings to the front, the proposed increase of 0.2m and the new platform lift is not considered to considerably change this outlook and therefore the proposals are considered to be acceptable in this instance.

Summary

- 10.14 It is considered that the proposal does not give rise to any adverse impacts upon neighbouring residential amenity and as such, this aspect of the proposal is considered to be acceptable. It is therefore concluded that the proposals comply with Policy LP24 of the Kirklees Local Plan and Section 12 of the National Planning Policy Framework.

Impact on Highway Safety:

- 10.15 The application site does not provide any off-street car parking and is accessed to the south from Banks Road. Whilst no changes are proposed to the parking arrangements, there are to be changes to the access to the site. The Council's Highways officers were therefore consulted on the proposals, they stated that given that the proposed lift does not encroach onto the footway along Banks Road, Highways Development Management have no objection to these proposals.
- 10.16 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 10.17 It is therefore considered that the proposed scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, and the guidance contained within the National Planning Policy Framework.

Representations

- 10.18 One representation has been received. A summary of the concerns raised along with the officer response is set out below:
- Concerns over how the Council are determining applications during COVID-19.
Officer note: Discussions have been had with the objector in respect to how and why the Council are assessing and determining applications as they are at the current time. A site meeting was also undertaken with the objector on the 4th June 2020 to discuss their concerns with the proposals.
 - Overlooking and loss of privacy.
Officer note: This has been assessed within the residential amenity section of this report.

Other Matters:

Climate Change

- 10.19 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.

10.20 The proposal is for 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. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

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

11.0 Conclusion:

11.1 Paragraph 11 of the NPPF advises that Local Planning Authorities should be approving development proposals that accord with an up-to-date development plan without delay. On balance, it is considered that there are no adverse impacts arising from the proposal that would significantly and demonstrably outweigh the overarching presumption in favour of sustainable development contained within paragraph 11 of the NPPF, and therefore planning permission should be approved.

12.0 Conditions (summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)

1. Time limit for commencement (3 years)
2. Works to be done in accordance with approved plans

NOTE: Works within the highway.

Background Papers:

Application and history files.

Available at: <https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020/91191>

Certificate of Ownership

Certificate A signed.