

**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: 2019/62/92099/W

Site Address: 15, Croft House Lane, Marsh, Huddersfield, HD1 4NY

Description: Erection of fence

Recommending Officer: Danielle Cooper

DECISION – Full Conditional 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.

Neil Bearcroft

AUTHORISED OFFICER

Date: 08-Aug-2019

Officer Report

Site Description

15 Croft House Lane is a detached dwelling with an existing fence to the side elevation on Syringa Street which sits on top of a natural stone wall around the dwelling to the front. The overall height of the existing fence is 2m to the side elevation.

The site is located within a residential area.

Description of Proposal

Planning is sought for the erection of a fence on top of stone wall to the side and part of the front boundary of the site. The stone wall is 1.1m high with the new fence would add an extra 0.9m making the overall height of the boundary wall 2m. The fencing would be constructed of wooden feather-edge to match the existing fence.

The application is submitted in part retrospectively and in part proposed.

History of negotiations/amendments received

No amendments were sought in this instance

Relevant Planning History

Pre App 2018/20202 – *proposed fence and greenhouse – comments made*

Representations

The application was publicised by site notice and neighbour notification letter

Final publicity date Expires: 25/07/19

No representations received.

Consultation Responses

- KC. Highways development management (Informally) - No objections.

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.

Kirklees Local Plan (LP):

- **LP1 Achieving sustainable development**
- **LP2 Place Shaping**
- **LP21 Highway safety and access**
- **LP22 Parking**
- **LP24 Design**

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19th February 2019, 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 12 – Achieving well-designed places

Assessment

The following matters are considered in the assessment below

- 1) Principle of development
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) Conclusion

Principle of Development:

The site is without notation on the Kirklees Local Plan. Policy LP24 of the Kirklees Local Plan requires 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, heritage assets and landscape.

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

Impact on visual amenity:

The NPPF provides guidance in respect of design in chapter 12 (Achieving well designed places) with 127 providing an overarching consideration of design stating:

‘127. Planning policies and decisions should ensure that developments (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change;’

The proposal includes a retrospective element, the fence to the side, and a proposed element, the fence to the front. In both cases the fencing is to be located on top of an existing stone wall to enclose the garden.

It is considered that whilst the fence would be quite prominent along the roadside, however much of the existing boundary is landscaped i.e. trees, bushes and shrubs which are to be retained as much as possible. This would soften the visual impact of the fencing. It is noted that whilst the fence is likely to be prominent it would provide a solid means of enclosure and privacy for the occupants of the property where the street scene is characterised by stone boundary walls with a privacy screening on the inside, mainly hedges. The overall height of 2 metres is considered to be reasonable and its location to solely enclose the side garden would retain views of the existing dwelling from the street scene. The use of a timber fence to provide the enlarged enclosure is of a domestic appearance and is considered to be appropriate.

Given the above the proposed fence is considered to be of a satisfactory design quality would be in keeping with the character of the area. Therefore the proposal would accord with Policy LP24 of the Local Plan and Chapter 12 of the NPPF.

Impact on residential amenity:

LP24 (c) & (b) of the LP states that alterations to existing buildings should:

“...minimise impact on residential amenity of future and neighbouring occupiers”, as well as “maintaining appropriate distances between buildings”.

It is of officer’s judgement that the proposal does satisfy LP24 (c).

The site is located on the corner of Syringa Street and Croft Hose Lane and is for the most part away from unrelated properties which would ensure that there is no detrimental overshadowing or overbearing impact. The closest property to be potentially affected is no. 2 Syringa Street is located to the west. However the overall height of 2 metres is not considered to be detrimental to residential amenity and would could be erected on the shared boundary under permitted development.

For the reason set out above, it is considered that the proposal is acceptable in respect of residential amenity and against LP24 (c) & (b).

Impact on highway safety:

The existing trees on the boundary treatment already partially obstruct the view of the highway. As a result the proposal would result in no reduction in visibility for pedestrians or vehicles. As such the fencing would not represent any additional harm in terms of highway safety and as such complies with policies, LP21 & LP22 of the Kirklees Local Plan.

KC highways support this assessment.

Other Matters:

Ecology – application details that existing vegetation and trees would look to be retained wherever possible, none of the trees are protected and such arrangements are considered to be acceptable from an ecology perspective.

Representations:

None.

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 would constitute sustainable development and is therefore recommended for approval.

Recommendation – Approve

Decision Authorisation - Delegated Powers

Application Number: 2019/92099

Officer Recommendation: Full conditional 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 so as to ensure the satisfactory appearance of the development on completion, and to accord Policy PLP24 of the Kirklees Local Plan.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan		1	21/06/19
Grouped Plans and elevations – Front	Plan 1	1	21/06/19
Grouped Plans and elevations - Side	Plan 2	1	21/06/19

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 amendments have been sought as it was considered that the application was acceptable in its submitted format.

Report Dated: 06/08/19