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:	2020/62/92252/W
Site Address:	1, Prince Wood Lane, Birkby, Huddersfield, HD2 2DG
Description:	Alterations to site entrance including erection of columns, entrance gate and increased height of wall
Recommending Officer:	Sam Jackman

DECISION - Refused

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.

Neil Bearcroft

AUTHORISED OFFICER

Date: 25-Jan-2021

SITE DESCRIPTION – 2020/92252

1 Prince Wood Lane, Birkby, is a two-storey detached dwelling, constructed from natural stone with a concrete tiled roof. The dwelling is rather obscured from public view along Birkby Road due to the boundary treatment consisting of a stone wall and mature trees and hedging, with a more open view from Prince Wood Lane. Notwithstanding this it is in a prominent location on the junction of Prince Wood lane with Birkby Road. The dwelling benefits from a considerably large garden with a double detached garage and hardstanding surface to the front. The site is located in a residential area with a mix of dwellings in terms of their character, style and design to the application site.

DESCRIPTION OF PROPOSAL

The application is for the raising of the existing boundary wall along Prince wood Lane and the installation of electric gates.

The proposed wall would be raised to 2.1m high for a length of 9.6m with gate posts either side of the entrance width of 5m. The wall will be built from random coursed stone to match the existing.

The proposed electric sliding gates are of a solid metal frame construction with black vertical planks at a height of 2.2m.

It should be noted that work has started on site and that albeit not shown on the submitted drawings, photos indicate that the applicant intends to install additional lighting on top of the gate posts.

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f92252

HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED

Negotiations have taken place with the agent, with regards replacing the wall with railings and the planked electric gates to be of an open grille style which would be transparent in appearance similar to railings, to give an open feel, similar to that at No 9. However, the wall and gates have already been erected and installed.

The agent requested an extension of time until the 13th Nov to consider his clients options, 2 further extension of time have been agreed with no further discussions.

The agent has been notified that a decision will be made on the submitted plans, with no further response received.

RELEVANT HISTORY

88/03834 Erection of extension to form bed/sitting room and bathroom - Approved

2010/93273 Change of use of garage to dwelling and reinstatement of double garage to host dwelling – Approved but not implemented

2019/93018 Erection of single storey attached garage, first floor balcony and external alterations – Approved- under construction

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2F93018

2015/92802 No 9 Prince Wood Lane, Birkby – modified proposals for extensions and boundary treatment

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2015%2F92802

No 4 & 6 Prince wood lane have electric gates

PUBLIC/MEMBERS RESPONSE

We are currently undertaking 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 which expired on the 28.8.20, whereby 12 letters of representation from 10 households have been received objecting to this application.

Visual Impact:

- the proposed boundary wall is not in keeping with others in Prince Wood Lane Valley Head, Squirrel Court, Stableford Gardens and Harefield Park and will detract significantly from the visual amenity of the area, which is open plan.
- All the other houses in the area have open plan frontage, low walls at the front or hedges, this development would not be in keeping with this.
- The wall, pillars and gate are over 2m high and serve no useful purpose.
- The proposed wall is overbearing
- Impact on Conservation Area

Road Safety Issues:

- Installing gates close to the junction, will present collision hazard, while cars wait to entre the property. there have already been near misses through existing tradesman visiting the site.
- High wall and hedge will restrict visibility when leaving the site.
- The addition of gates would significantly increase the hazard caused by vehicles waiting on Prince Wood Lane for the gates to open in order to enter the property.

Other Issues

- Precident would be set for others if approved.
- The applicant has built the wall and installed the gate before a dec has been made.
- With no site notices many residents unaware of the new application.
- Approval will set a precedent
- Frustration to planning permissions and imposed conditions

Councillor Burke has contacted the office asking for information with regards the application, I discussion has taken place with the follow up of an email which has been acknowledged with no further details received.

CONSULTATION RESPONSES

K.C. Highways – no objections

POLICY

The statutory development plan comprises:

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):
LP 1– Achieving sustainable development
LP 2 – Place shaping
LP 22 - Parking
LP24 – Design

LP 30 - Biodiversity and geodiversity

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, together with Circulars, Parliamentary 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
- **Chapter 14** – Meeting the challenge of climate change, flooding & coastal change.
- **Chapter 15** – Conserving and enhancing the natural environment

ASSESSMENT

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 NPPF.

Policy LP1 goes on further to stating that "the council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area."

In terms of 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.

In this case the application, the principle of development on the application site is acceptable and shall be assessed against other material planning considerations below.

Impact on visual amenity:

The NPPF provides guidance in respect of design in chapter 12 (Achieving well designed places) with 124 providing an overarching consideration of design stating 'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'.

Kirklees Local Plan policies LP1, LP2 and 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.

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 an minimise impact on residential amenity of future and neighbouring occupiers'.

1 Prince Wood Lane is sited at the entrance to a large development across the corner with Birkby Road. The dwelling, as now extended, is comfortably accommodated in the spacious plot and is in keeping with the character of the wider area. A distinctive characteristic of the area is the 'open plan' appearance of the road frontage. The property currently has a mature hedge along the Birkby Road frontage which continues into Prince Wood Lane for

the first 20m approx. before the drive and a small wall running to the edge of the applicant's boundary to the north, contributing to the open characteristics of the development.

The most prevalent form of boundary treatment with the development are low stone retaining walls at the back edge of the footway. These provide open vistas to the dwellings and the soft landscaping which surround the properties. These form an important unifying theme to the street scene.

The proposal seeks permission to raise the boundary wall to 2.1m and the installation of solid electric gates with an overall height of 2.2m. It is noted that works to erect the wall and installed the gate have already been carried.

The proposed wall and gates by reason of their scale and design are considered to represent an incongruous for of development and would be unduly overbearing within the street scene along Prince Wood Lane. The gate and wall are solid in nature and this combined with its height presents an imposing structure and they are considered to have a detrimental impact on the visual amenity of the area. The development would introduce an obtrusive feature losing the open vista of the estate causing undue harm to the character and appearance of the street scene and the wider local area. Furthermore, adding lighting to the gate posts would appear an incongruous within the street scene having further impact on the visual amenity and character of the area.

With regards to the use of random stone this is considered to be acceptable however this does not overcome the concerns raised with regards the hight of the wall and the impact this would have on the character and appearance of the street scene.

Furthermore it is accepted that other properties in close proximity have installed electric gates above 1m in height and/or increased security along the frontage of the properties, however these have been in the form of railings and open grille gates, allowing an open vista into the property. Therefore, not comparable to the current application.

In conclusion it considered that the proposed wall and electric gates as submitted would be harmful to the character and appearance of the street scene and the surrounding area, which wouldn't retain the local identity of an open plan development. For these reasons the application cannot be supported. As such the development would be contrary to the aims of Chapter 12 of the NPPF and Local Plan Policies LP1, LP2 and LP24a by detracting from the character and appearance of the street scene

Impact on residential amenity:

The impact of the proposal on the amenity of surrounding properties and future occupiers of the dwellings needs to be considered in relation to Policy LP24 of the Local Plan which seeks to "*provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate*

distances between buildings." This is further supported by policies set out in Chapters 12 of the NPPF

The proposed alterations are assessed upon whether they would have a detrimental effect on visual amenity, adjoining dwellings or any occupier of adjacent land by way of overshadowing or overlooking and also in terms of its design, size and visual amenities.

In this case the proposed wall and gates are at a sufficient distance from neighbours not to create any detrimental effect on their residential amenity in this case, albeit would have an impact on the visual amenity of the area.

Impact on highway safety:

Turning to highway safety, Policies LP21 and 22 of the Local Plan have been considered along with the KC Highway Design guide. The policies seek to ensure that new developments have an acceptable impact on highway safety and provide sufficient parking. The application has also been assessed by Highways DM Officer.

The highways officer has stated that the dwelling currently has an open driveway close to the junction of Prince Wood Lane with Birkby Road. The scheme has no implications in terms of off-street parking or servicing. Highways DM initially requested that the gate is set back 6m from the carriageway edge to allow a vehicle to get fully off the road whilst the gates open and prevent any conflict with other road users of Prince Wood Lane.

However, given that the gates are already in place and the application is therefore retrospective a decision has to be made on the scheme as submitted. Highways DM further considered the proposal and undertook a site visit along with considering points raised in objections. Whilst a set back of 6 metres is preferred, it is noted that Prince Wood Lane is relatively quiet road, with fairly low vehicular speeds and that there are examples of other such gates in the local area without a set-back. Although the gate is solid, it does not encroach any further forward that the gateposts, so does not impinge on the available sight lines. It is therefore considered on balance that the proposed gates would not have a significant detrimental impact on highway safety and therefore accord with the requirements of Policy LP10

Other matters

Climate Change - 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.

Due to the size, scale and limited nature of development, it was not considered necessary to request specific measures to address the developments' resilience to climate change.

K.C. Biodiversity – the application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance.

This is due to the fact the works will have no impact on the host property.

As such the development would have little impact on bats and would be in accordance with Chapter 15 of the National Planning Policy Framework and Policy LP30 of the Kirklees Local Plan.

Representations:

It should be noted that eleven representations have been received as a result of site publicity.

Visual Impact:

- the proposed boundary wall is not in keeping with others in Prince Wood Lane Valley Head, Squirrel Court, Stableford Gardens and Harefield Park and will detract significantly from the visual amenity of the area, which is open plan.
- All the other houses in the area have open plan frontage, low walls at the front or hedges, this development would not be in keeping with this.
- The wall, pillars and gate are over 2m high and serve no useful purpose.
- The proposed wall is overbearing
  Response: -these have all been addressed in the report

- Impact on Conservation Area
  Response: - the application site is not within the Conservation Area or adjacent to the boundary.

Road Safety Issues:

- Installing gates close to the junction, will present collision hazard, while cars wait to enter the property. there have already been near misses through existing tradesman visiting the site.
- High wall and hedge will restrict visibility when leaving the site.
- The addition of gates would significantly increase the hazard caused by vehicles waiting on Prince Wood Lane for the gates to open in order to enter the property.
  Response: -Highways have been consulted and no objections raised.

Other Issues

- Precident would be set for others if approved.
- The applicant has built the wall and installed the gate before a decision has been made.
- With no site notices many residents unaware of the new application.
- Frustration to planning permissions and imposed conditions
  Response: - These comments have been noted

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 the application of policies in the NPPF that protect areas or assets of particular importance provide clear reason for refusing the development proposed.

Decision Authorisation - Delegated Powers

Application Number: 2020/92252

Officer Recommendation: Refuse

1.The proposed boundary wall and electric gate, by reason of their height and solid appearance, would represent an oppressive feature losing the open vista of the estate at the application site. The proposal would be harmful to the character and appearance of the street scene along Prince Wood Lane and would have a detrimental effect on visual amenity. As such the development would be contrary to Policy LP24a of the Kirklees Local Plan and to the aims of Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location Plan 1:1250	G710		15 July 2020
Proposed layout & elevations	G710-01	A	15 July 2020

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. The Case Officer requested amended plans during the process of the application to seek an amendment which would reduce the impact of the development on the visual amenity of the area. Where the agent has declined to submit any amended plans within a reasonable time frame. This decision is based on the original documents submitted.

Recommendation and Authorisation Box

Report Dated: 22.1.21

Coal – low risk