

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended)

**DELEGATED DECISION TO DETERMINE APPLICATIONS FOR
CONSENT, AGREEMENT OR APPROVAL REQUIRED BY CONDITION**

Reference No:	2021/44/92565/W
Site Address:	345, Bradley Road, Bradley, Huddersfield, HD2 1PR
Description:	Discharge of condition 7 (Fences/Boundary) on previous permission 2019/91083 for the demolition of existing dwelling and erection of detached dwelling with detached garage/store
Recommending Officer:	Sam Jackman

DECISION - DISCHARGE OF CONDITIONS APPROVED

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.

John Holmes

AUTHORISED OFFICER

Date: 18-Feb-2022

2021/92565 – Officer Report

This application relates to the discharge of condition no.7 from planning permission reference 2019/91083 which granted consent for the demolition of the existing dwelling and the erection of a detached dwelling with detached garage/store at 345, Bradley Road, Bradley, Huddersfield, HD2 1PR

2019/91083

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f91083+>

2020/92431 Discharge of Conditions 3,4 & 7 split decision Condition 7 not approved

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f92431+>

2021/92565 Discharge of Conditions 7

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f92565+>

Condition 7

The application seeks to discharge Condition 7 (boundary treatment), which states the following:

7. The dwelling shall not be occupied until details of the siting, design and materials to be used in the construction of walls or fences for boundaries, screens or retaining walls have been submitted to and approved in writing by the Local Planning Authority and approved walls/fences erected. Thereafter the approved walls/fences shall be retained in accordance with the approved details.

Reason: So as not to detract from the amenities of the adjoining property by reason of loss of privacy and to accord with Policies LP01, LP02 & LP24 of the Kirklees Local Plan and advice in the National Planning Policy Framework.

Assessment

The dwelling is located within a residential area of mixed style properties with various materials used.

The submitted samples are :-

Boundary treatment feather edge flat topped timber fence.

Previous comments regarding condition 7 for 2020/92431

“Currently the site boundary is screened via a 1.8m and 2m high feather edge fence existing, also they are ever green trees (Approx. 12 feet high) to both sides of the rear boundary.

Where the garage is to be removed it will be replaced with a 2m high feather edge fence to match existing.

On the driveway there will be a 2m high feather edge fenced reduced to 1.8m in line with neighbour’s brick extension which is on the boundary and existing fence.

They are very little boundary works, all is as existing”

The condition was imposed in the interests of residential amenity so as not to detract from the amenities of the adjoining properties by reason of loss of privacy. With the proposed details the applicant has also submitted a number of photographs indicating the existing boundary treatment.

Although the general fencing as initially proposed was considered acceptable, and would retain the privacy of residents of adjoining properties, there was concern that the height of the fence close to the boundary with Bradley Road could hinder visibility for drivers leaving both nos. 343 and 345. The applicant was approached to provide clarification on this point.

The fence has been amended so that the existing wall remains at 0.9m for the first 2m, the fence starts at 1.35 which is splayed for the first 0.9m before being raised to 2m.

The boundary treatment at the rear where the existing garage will be removed will be replaced with conifers for the first 4m with the next 6m of conifers being retained. Along the boundary where the new garage will be, the boundary is shown to replace 4.5m of the existing hedge with a timber 2m high fence.

Therefore, these fence details are considered to be acceptable and would in this instance satisfy condition 7.

Decision text

Following the receipt of amended details the fence details as outlined on plan number PDA17-167-005 Rev C received 14.2.22 are considered acceptable to discharge condition 7 of application 2019/91083.

It should be noted that this doesn’t override any other private legal agreements.

