

**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:	<b>2021/62/94309/E</b>
Site Address:	3, Lidgett Lane, Skelmanthorpe, Huddersfield, HD8 9AQ
Description:	Erection of fence to front
Recommending Officer:	Lyle Robinson

**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.**

Emma Thompson

***AUTHORISED OFFICER***

**Date: 20-Jan-2022**

## **Officer Report**

### **Site Description**

The application site relates to the LHS of a pair of semi detached two storey houses in the settlement of Skelmanthorpe. The buildings are faced with stone and has a mid 2000s two storey extension of fairly good design quality built at the north facing side elevation. The neighbouring properties are generally semi detached houses along Lidgett Lane although the neighbouring northern properties are contemporary in form and materials. Low rise stone walling and hedgerows for the boundary treatments along this part of Lidgett Lane.

### **Description of Proposal**

This is a householder application for planning permission for a 1.7m height timber fence along the boundary with the public highway, some 5.2m in total width. The fence has been constructed and this planning application is therefore retrospective.

### **History of negotiations/amendments received**

This planning application has been assessed on the basis of drawings originally submitted with the current application.

### **Relevant Planning History**

2005/95160 ERECTION OF EXTENSION AND DECKING *Approved*

### **Representations**

Publicity is being taken in accordance with statutory requirements. In this instance neighbour letters have been sent out with an expiry date of 11<sup>th</sup> January 2021.

### **Consultation Responses**

*KC Highways* – no objection

### **Policy**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27<sup>th</sup> February 2019).

The site is unallocated in the Kirklees Local Plan.

**Kirklees Local Plan (KLP):**

- • **LP 01** – Achieving sustainable development
- • **LP 02** – Place shaping
- • **LP 21** – Highway safety and access
- • **LP 22** – Parking
- • **LP 24** – Design
- **LP 52** – Protection and improvement of environmental quality

**National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20<sup>th</sup> July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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 6 – Building a strong competitive economy
- • Chapter 8 – Promoting healthy and safe communities
- • Chapter 11 – Making effective use of land
- • Chapter 12 – Achieving well-designed places
- • Chapter 15 – Conserving and enhancing the natural environment

**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/Planning Balance

1 – Principle of development:

Chapter 2 of the National Planning Policy Framework (NPPF) introduces the presumption in favour of sustainable development, which is the focus of policy LP1 of the KLP. This policy stipulates that proposals that accord with policies in the KLP will be approved without delay unless material considerations indicate otherwise. Policy LP24 of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development in the surrounding area as well as to protect the

amenity of the future and neighbouring occupiers, to promote highway safety and sustainability. These considerations, along with others, are addressed in the following sections in this report.

The application site is in a settlement whereat such development is appropriate subject to the satisfactory taking into account of material considerations.

## 2 – Impact on visual amenity and character of the area:

Policy LP24 of the Kirklees Local Plan, consistent with chapter 12 of the NPPF, states, inter alia, that the form, scale, layout and details of all development respects and enhances the character of the townscape.

The proposed fencing would appear as a prominent addition in the streetscene, built significantly greater in height than the existing stone walling and dominating the ground floor front elevation when viewed from the public highway. The fencing would obscure the front elevation fenestration and wall and would result in an incongruous element in the street scene and would negatively impact the character of the area. Moreover, the proposed materials palette is of low quality and clashes with the existing materials palette of the boundary treatments – stone. The existing boundary treatments are either soft landscaping such as hedges or low built stone walls. The introduction of this high timber fencing would jar visually and would be of insufficient design quality to merit a grant of planning permission.

The case officer visited the site and surveyed the surrounding boundary treatments along the public highway. It is noted that the white rendered house to the north has a timber fence at the side boundary. However this would not be of the scale, colour and materials of the proposal at hand and crucially it would not be placed along the front boundary so as to appear prominent or obscure the front face of the house there. The fence is at odds with the open character of the front aspects of the existing buildings and street scape.

The development therefore would not be acceptable in terms of general visual amenity and in terms of its impact on the area and would not accord with policy LP24 of the Kirklees Local Plan nor chapter 12 of the National Planning Policy Framework (NPPF).

## 3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan require of developments, inter alia, a good standard of amenity for future occupants and neighbouring occupiers, as well as a minimising of the impact on residential amenity of future and neighbouring occupiers.

The proposed fencing would be significant in height although its highest alignment would be parallel to the front elevation and would terminate at the boundary wall with the adjoining neighbour. Overall therefore no loss of light would occur to either neighbouring properties.

No further amenity impacts are apparent to the case officer.

All told therefore policy LP24 in terms of residential amenity would be complied with.

#### 4 – Impact on highway safety:

The fence will have a minor effect on visibility for cars exiting the site from the driveway onto Lidgett Lane although given the expected low speeds due to the narrow road width, resident parking on the side of the site and the relatively low number of vehicles expected to use the highway, HDM considers the proposed will not create a severe impact to highway safety.

The development therefore is concerned to be acceptable in terms of highway safety and parking and inconsistent with policies LP21 and LP22 of the KLP.

#### 5 – 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.

The proposal is for a domestic alteration. Further conditions attendant to the climate change agenda are on balance not considered necessary in this instance in light of the six tests of planning conditions set out in National Planning Practice Guidance (NPPG).

#### 6 – Representations:

None received.

#### 7 – Conclusion/Planning Balance:

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 not constitute sustainable development and is, therefore, recommended for refusal.

**Recommendation: Refuse**

**Decision Authorisation – Delegated Powers**

**Application Number:** 2021/94309

**Officer Recommendation:** Refuse

**Conditions and Reasons**

1. Due to the height, materials and location, the proposed timber fencing would appear out of keeping in the context of surrounding low stone wall and hedgerow boundary treatments. It would be sited along the front boundary parallel to the highway resulting in a prominent, incongruous feature that would detract from the streetscene in addition to interfering with the open character of the site frontage. The development would detract from visual amenity contrary to policy LP24 of the Kirklees Local Plan.

**Plans Specification**

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	2021/94207		02/DEC/2021
Proposed Plans and Elevations	2021/94207		02/DEC/2021

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 has, 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. In this instance the proposal is retrospective and a solution cannot be reached within the scope of this application to overcome the environmental harm identified in the reason for refusal.