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:	**2022/62/90676/W**
Site Address:	38, Lightridge Road, Fixby, Huddersfield, HD2 2HF
Description:	Alterations to boundary wall, erection of railings and alterations to entrance of drive and installation of first floor window
Recommending Officer:	William Simcock

DECISION – Conditional Full 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.

Teresa Harlow

AUTHORISED OFFICER

Date: 06-May-2022

Officer Report 2022/90676
38 Lightridge Road, Fixby

Site Description

38 Lightridge Road is a detached two-storey dwelling with mostly rendered external walls and a hipped clay tile roof. It has large front and rear gardens which are slightly raised above highway level. The highway boundary is formed by a low, dry-stone walls with a high privet hedge behind it.

There is a gated access in the south-western corner of the curtilage (the right-hand side as viewed from the highway) flanked by high stone piers, which is slightly inset from the boundary wall. The surrounding area consists of large, individually-designed houses on large plots on the north-eastern side of the highway, with more modern, somewhat higher-density development on the opposite side.

Description of Proposal

The proposal is for:

- Alterations to the boundary wall;
- The erection of railings, new gates and alterations to entrance of drive;
- Installation of first floor window.

The boundary walls are to be rebuilt in a curve leading in to the gates, which would be set back 4.5m from the main line of the wall instead of 1.5m they are now. It is proposed that the walls would be built of mortared stone, 1m high and with a set of 1m high railings above, built into the top of the wall. The purpose of the works, as set out on the application form, is to allow better visibility and improved safety, and to replace the existing hedge which is dying.

The new window is to be formed in the south-eastern side elevation. It would be 900mm high, 450mm wide, main pane fixed with a top-opener above. It is proposed that this serves an en-suite facility and would be obscurely glazed.

History of negotiations/amendments received

The original plans were to erect a close boarded fence above the wall. This was considered to be harmful to the character and appearance of the streetscene which is largely made up of low stone walls with hedging above.

The amended plans were not re-publicised as these did not fundamentally alter the development applied for, only its design.

Relevant Planning History

None.

Representations
Final publicity date expires: 06-Apr-2021 (publicity by neighbour letter only in accordance with the requirements of the Development Management Procedure Order for the original plans)

No representations received from other third parties.

Consultation Responses

None were deemed necessary in this instance.

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 without designation on the Local Plan.

Local Plan:

LP 21: Highways and access
LP 22: Parking
LP 24: Design

Supplementary Planning Documents:

- KC Highways Design Guide 2019

Kirklees Council has adopted supplementary planning guidance on house extensions which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this

SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

The following two documents have also recently been approved by Cabinet and these can be viewed at: https://www.kirklees.gov.uk/beta/planning-applications/guidance-and-advice-notes.aspx

- Biodiversity Net Gain Technical Advice Note
- Climate Change Guidance for Planning Applications

These documents can also be viewed in G:\Planning\SPDs & Guidance Notes.

National Policies and Guidance:
National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, 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 – Requiring good design

Assessment
The following matters are considered in the assessment below –

1) Principle of development
2) Impact on visual amenity (including any heritage considerations)
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters – e.g. trees/ecology (e.g. bats)
6) Representations
7) Conclusion

1 – Principle of development: The site is without designation in the Local Plan. Of particular relevance is Policy LP24(c) which requires all development to be of good design and which sets out a number of specific criteria. Any implications for highway safety will also be considered as required by Policies LP21-22. The Householder Extensions and Alterations SPD is a material consideration and any departure from the proposals contained within it must be clearly justified. In particular:

Key Design Principle 1: Alterations should be in keeping with the appearance, scale, design and local character of the street scene.

2 –Impact on visual amenity: On this side of Lightridge Road, boundary treatments mainly comprise stone walls of up to a metre in height with high hedges (deciduous or evergreen) set directly behind them to provide a

combined wall / hedge of 2m or more in height. There is however a high close-boarded timber fence forming the street boundary with no. 40, which is on the corner of Broomfield Road. On the opposite side of the road, frontages are generally more open, with very low stone walls and sometimes railings.

The original version of this proposal – a 1m high wall surmounted by a close-boarded timber fence and stone piers – was considered inappropriate for the location as it would have seemed jarring and would have led to too strong a sense of enclosure. The design solution now proposed is considered appropriate. A 1m stone wall would allow an element of visual continuity with other properties in the street, whilst allowing visual permeability and not creating a dead frontage.

The new window is a very minor alteration in visual terms that would have no significant impact upon the character of the house or the street scene.

In conclusion, it is considered that the development proposed would conserve visual amenity and the townscape, subject to a condition that the stone used in building the new wall shall either re-use the existing stone (with additional stone to match) or be constructed in stone that is similar in all respects to stone used on buildings in the vicinity of the site. For the avoidance of doubt, it should be conditioned that any boundary treatment over 1m in height consists of railings/open metal gates as this is not completely clear from the elevation. Subject to this it would comply with the aims of Policy LP24 and KDP1 of the SPD.

3 – Impact on residential amenity: The proposed new wall / railings and repositioned gate would be too far removed from any other residential properties to affect their light or outlook.

The new window is intended to serve an en-suite facility not a habitable room. It is recommended that, in accordance with the details shown on the drawings and to prevent it leading to increased overlooking of the neighbouring property, which is approximately 7m away, it be conditioned that the window is obscurely glazed and non-openable except for the top light.

Subject to this, it is considered that the development would avoid harm to residential amenity or to neighbouring land and would thereby accord with the aims of Policy LP24(b).

4 – Impact on highway safety: 1m above carriageway level is generally treated as the maximum height that avoids obstruction to inter-visibility for drivers. The railings, being up to 2m in height, would limit visibility, but as the access would be wider and the corners less sharp than the arrangement that exists now, the available sight-line in each direction would be improved. The setting back of the gates would allow a vehicle to stand without blocking the carriageway whilst the gates are being opened.

It is noted however that in order to allow the access to be fully used the developer would need to extend the dropped crossing. As Lightridge Road is not a classified road, this operation would not need planning permission in itself but it would require the consent of the Council acting as Highway Authority. The developer should be reminded of this in a footnote.

In summary, the development is considered a net benefit to highway safety and to accord with the aims of LP21.

5 – Other matters:

Biodiversity:
The site is in the bat alert layer but the works proposed do not affect any structures that are likely to have bat roost potential. The development would result in the loss of the privet hedge and some other evergreen bushes which are not considered to represent high biodiversity value.

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.

In this instance the applicant has not submitted any supplementary statement or other information to explain how the proposed development would help to address or combat climate change effects. As the proposal is for alterations to an existing dwelling within an urban area it is considered however that that it would contribute to making more efficient use of land in a relatively sustainable location. It is considered that in the circumstances the applicant does not need to demonstrate further measures to combat climate change and the proposal is deemed to be in accordance with the aims set out above, and set out in NPPF Chapter 14, the Local Plan and the SPD.

6 – Representations:

No representations were made.

7 – 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: **2022/90676**

Officer Recommendation: Approve

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, in the interests of highway safety and to accord with Policies LP21 and LP24 of the Kirklees Local Plan and Key Design Principles of the House Extensions and Alterations Supplementary Planning Document.

3. The stone used in the construction of the new boundary wall shall either be built using stone recovered from the existing boundary wall, with any new stone matching the existing in all respects, or shall be of a type to harmonise closely with the exterior stonework on existing buildings and boundary walls in the vicinity of the site.
Reason: In the interests of visual amenity and to accord with the aims of Policy LP24 of the Kirklees Local Plan and Key Design Principle 1 of the House Extensions and Alterations Supplementary Planning Document.

4. All boundary treatment, including gates, which exceed 1m above ground level, shall comprise metal railings which shall have a factory applied black finish.
Reason: In the interests of visual amenity and to accord with the aims of Policy LP24 of the Kirklees Local Plan and Key Design Principle 1 of the House Extensions and Alterations Supplementary Planning Document.

5. The proposed new window shall be non-opening or top-opening only and shall be fitted with grade 5 obscure glazing before the room it serves is first brought into use. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification), windows of this type shall be retained at all times.
Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy LP24(c) of the Kirklees Local Plan.

NOTE: The developer is advised that in the event of an extended vehicular crossing (dropped kerb) being needed to allow the access to be fully used, the consent of the Council acting as Highway Authority will also be required. Information on how to seek consent can be found at the link below: https://www.kirklees.gov.uk/beta/transport-roads-and-parking/dropped-kerbs.aspx

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			24-Feb-2022
Location plan			24-Feb-2022
Indicative elevation, layout and internal plan			24-Feb-2022
Existing boundary elevation			01-Mar-2022
Proposed boundary elevation			29-Apr-2022
Existing plan			01-Mar-2022
Proposed plan			29-Apr-2022
Existing and proposed external layout			01-Mar-2022
Existing and proposed south-eastern elevation			01-Mar-2022

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. The case officer did not undertake negotiations with the applicant as no amended plans or additional information were considered necessary. The original plans were to erect a close boarded fence above the wall. This was considered to be harmful to the character and appearance of the streetscene and amendments to provide railings were negotiated.

Report Dated: 05-May-2022