

**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:	2022/62/92630/E
Site Address:	33, Asquith Fields, White Lee, Batley, WF17 8FH
Description:	Erection of railings and gates
Recommending Officer:	Jennifer Booth

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: 11-Oct-2022

OFFICER REPORT

Site Description

33 Asquith Fields is a modern mid terraced dwelling with an open drive and paved area to the front and an enclosed garden to the rear.

The property backs onto open fields and has similar residential properties to the front and sides.

Description of Proposal

The applicant is seeking permission for railings and gates to enclose the front of the property.

The details submitted indicate the use of metal railings and gates to a height of 1m.

Relevant Planning History

2011/91048 - erection of 36 dwellings - approved with condition 9 removing permitted development rights for means of enclosures for plots 3 - 18 (the host property was plot 17)

History of negotiations

The submitted plans raised concerns regarding the enclosure of the dwelling given the open nature of the surrounding development and the visually consistent pattern and design of the properties. Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 encourages negotiation/engagement between Local Planning Authorities and agents/applicants. As there were no alterations which could overcome the concerns, amended plans have not been sought.

Representations

The application was advertised by site notices and neighbour letters, which expired on 04/10/2022

As a result of the above publicity, no representations have been received.

Consultation Responses

None

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 Proposals Map

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 predates 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.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP 24** - Design

Kirklees Council adopted supplementary planning guidance on house extensions on 29th June 2021 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.

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, and 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

- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Assessment

Principle of development:

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP 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. In terms of making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with the House Extension SPD and Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

Impact on visual amenity:

The property is sited within a modern development with similarly sized dwellings.

Key Design Principle 1 of the House Extension & Alteration supplementary planning document (SPD) does state that extensions and alterations to residential properties should be in keeping with the appearance, scale, design and local character of the area and the street scene.

Asquith Fields is a modern development with open frontages for the most part. The host property is situated within a row of 4 similar properties. Forming a boundary around the front with a 1m high fence would be out of character with the immediate building group. Although it is noted that elsewhere within Asquith Fields, there are small areas which have 1m railings, these are on different property types with a closer relationship to the houses and therefore less of a visual impact in the street scene. By introducing boundary treatment, to any of the dwellings within this group, would break up and subdivide what currently is open. Whilst it is acknowledged railings would offer some intervisibility the principle of enclosing each residential area is contrary to the open character originally designed and established. The railings proposed are therefore not considered to be acceptable in terms of visual amenity.

Having taken the above into account, the proposed railings would cause harm in terms of visual amenity for both the host dwelling and the wider street scene. Therefore, the scheme fails to comply with Policy LP24 of the Kirklees Local Plan, KDP 1 of the House Extension and Alterations Supplementary Design Guide and the aims of chapter 12 of the National Planning Policy Framework.

Impact on residential amenity:

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light and Key Design Principle 6 on preventing overbearing impact.

The limited nature of the 1m metal railing enclosure proposed would have no impact on the amenities of the occupiers of the neighbouring properties.

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key Design Principles 3, 5 & 6 of the House Extension SPD and Paragraph 130 (f) of the National Planning Policy Framework.

Impact on highway safety:

The proposals will not result in any intensification of the domestic use. As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 of the House Extension SPD.

Other matters:

Biodiversity

The development is for a means of enclosure to the front of the dwelling. Whilst the property is sited in area, which is known to include bat habitats, in this instance, given the nature of the proposed works, then it is considered unlikely to have an impact on the bat population.

Carbon Budget

The proposal is a small scale domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

There are no other matters for consideration.

Representations:

None

Proposed conditions

None as the recommendation is for refusal.

Conclusion:

This application to erect a 1m high metal railing fence around the front of 33 Asquith Fields has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extension SPD, the National Planning Policy Framework and other material considerations.

The proposed means of enclosure would be out of character with the host property and the wider street scene and would result in the formation of an incongruous feature in what otherwise would remain open. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 of the House Extension SPD and advice within chapter 12 of the National Planning Policy Framework.

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. For the reasons set out above 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:** 2022/92630**Officer Recommendation:** Refuse**Reasons for refusal**

The development proposed, due to location and positioning, would introduce an incongruous feature resulting in visible subdivision and enclosure contrary to the open character of the host property and the wider street scene to the detriment of visual amenity. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 of the House Extension SPD and advice within chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location plan	-	947290	16/08/2022
Proposed site plan	-	945700	16/08/2022
Elevations	A	947548	16/08/2022
Elevations	B	947549	16/08/2022
Elevations	C	947550	16/08/2022
Photos	-	947291	16/08/2022

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 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 submitted plans raised concerns regarding the enclosure of the dwelling given the open nature of the surrounding development. Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 encourages negotiation/engagement between Local Planning Authorities and agents/applicants. As there were no alterations which could overcome the concerns, amended plans have not been sought.

Report Dated

05/10/2022

