

**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:	2022/62/93904/E
Site Address:	94, White Lee Road, White Lee, Batley, WF17 8AF
Description:	Erection of wall
Recommending Officer:	Edward Cheseldine

DECISION - REFUSE

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 22 March 2023

OFFICER REPORT

Site Description

94 White Lee Road is an application site in the area of White Lee in Batley. The site of the property currently includes a two-storey, detached house. The dwelling is set back behind a modest sized garden, with a driveway to the side with room for two motorised vehicles. Previously, there was a relatively low boundary wall that was shared with the highway boundary.

White Lee Road has residential properties on the west side and fields on the east side of the road which are marked as urban green space by Kirklees Planning Authority. Owing to the street's character are the open fields. Dwellings range from single storey bungalows to large two-storey houses.

Description Proposal

The applicant is seeking retrospective planning permission for the erection of a brick wall with pillars and decorative panels, replacing a low brick wall that exists between the front garden space and public footpath.

The wall is to reach a maximum height of 1.6m. Three panels are to be installed on the wall which are to be 1.7m in width each. There are to be four pillars. In total the length of the wall will be 7.4m. A fifth pillar is to be installed at the boundary between 94 & 96 White Lee Road, which is separated from the wall by a space for vehicles to enter/exit the site.

Construction of the wall is to be in a yellow brick with panels placed between the structural pillars.

It is to be noted that the submitted Block Plan (BP) shows the wall as abutting Hollinbank Road. However, the proposal is a retrospective application for the erection of a wall where the application site meets White Lee Road.

Relevant Planning History

2020/94354 - Erection of extensions, erection of dormer windows to front and rear – Full permission granted.

Representations

The application was advertised by neighbour letters, which expired on 26/01/2023. As a result, there were no public objections.

Consultation Responses

KC Highways DM were consulted regarding safety aspects that related to the alterations.

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 24** - Design
- **LP 21** – Highway Safety and Access
- **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 2 – Achieving sustainable development
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Assessment

- 1) Principle of development
- 2) Impact of visual amenity
- 3) Impact of residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Conclusion

Principle of development:

The application 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 extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with the House Extensions and Alterations 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 erection of a wall impacts the visual character of a street and should befit the existing materials and designs that are found within the area. Similarly, it should visually compliment the associated site as the walls that are erected on principal elevations appear as the initial structures apparent, associated with dwellings.

Chapter 12 of the NPPF sets out that decisions should ensure that, amongst other things, developments are sympathetic to local character, including the surrounding built environment (para.127 of the NPPF). Policy LP24 of the KLP expands on this further, setting out that good design should be at the core of all proposals in the district. With regard to extensions, it states under part a, that proposals should promote good design by ensuring 'the form, scale, layout and details of all development respects and enhances the character of the townscape'.

The locality of the application site is considered to have a pleasant suburban character. The set back of dwellings and low solid boundary treatment along White Lee Road creates an openness of character within the street.

The height of the wall will be 1.6m approx which will have a significant visual impact to the dwelling site and streetscene contrasting from the previous low boundary wall boundary. The proposed wall will be significantly higher than other highway fronting boundary walls on the street. Low boundary walls characterise the street and boundary treatments found on White Lee Road. Allowing a high wall would alter the character of the street creating the appearance that the host dwelling is 'shut off' from its immediate surroundings. A solid wall against the highway would appear prominent, giving a utilitarian and incongruous feel to the residential locality.

The materials of the wall are to be yellow brick. Yellow brick is currently not used on the host dwelling or surrounding properties. Boundary walls facing the highway, of neighbouring properties are constructed with red-brick materials. This includes the adjoining wall at 92 White Lee Road. The boundary wall opposite 94 White Lee Road is a stone wall. Properties in the immediate vicinity are constructed with red brick and stone exteriors.

The applicant has submitted photographs of walls and fencing combinations that are currently seen on White Lee Road as examples of similar design within the locality, of which, two photos show walls/fences that are similar in height and materials. Regarding these, although the addresses have not been disclosed, the Planning Officer cannot locate these boundary treatments within the immediate vicinity of 94 White Lee Road. The other photos constitute different designs, such as, low walls with hedging and stone walls with metal railings. Considering this, the size and materials of these examples does not relate, as being similar to the application proposals in terms of contributing to similar examples of design found within the immediate vicinity. Based on this, significant weight cannot be given to the examples presented by the applicant.

The Officer noted No. 117 has a boundary wall fronting the highway that is similar, in terms of height and design to the application. No. 117 is situated approximately ~120m away, northbound on White Lee Road. Whilst this example does present weight to the argument in favour of development, the open character of the street at No 94 is considerably more attractive due to the fields to the east of the application site.

Having considered the above factors, the proposal is considered to result in a significant, adverse impact upon visual amenity due to the impact the wall will have on the character of the street due to the incongruous and utilitarian appearance and does not comply with Policy LP24 (a) of the Kirklees Local Plan and paragraph 130 (f) of the National Planning Policy Framework.

Impact on residential amenity

The wall is located along the site frontage on the eastern boundary adjacent to the highway of White Lee Road. Whilst the increased height, compared to the existing wall is over 1.0m, the increase is not considered to be detrimental to the neighbouring occupants in terms of an overbearing or overshadowing impact given that this boundary is not shared with any of the neighbouring dwellings.

Taking this into account, it is considered that the proposed wall/fencing would not have a significant impact on the residential amenity of surrounding properties.

Impact on highway safety

KC Highways DM were consulted regarding the impact the proposal would have on highway safety, in respect of the wall visually impacting sight to entering/exiting properties along the roadside of White Lee Road. KC Highways DM raised no highway concerns with the submitted proposal.

There are no other matters to consider.

Conclusion

This application to erect a wall with panels at 94 White Lee Road has been assessed against relevant policies in the development plan as listed in the policy section of the report, including the House Extensions & Alterations SPD, the Kirklees Local Plan and National Planning Policy Framework and other material considerations. Given the negative impact due to design and harm in terms of visual amenity from the proposed alterations is considered to be unacceptable.

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.

As set out above, 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

Refusal

Reasons for Refusal

1. The proposed erection of the wall, by reason of its design and height, would detract from the appearance of the host dwelling, and result in an incongruous feature within the street scene, detrimental to the visual amenity of the area. The proposal would therefore be contrary to Policy LP24 (a) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Grouped Plans and Elevations	A	1	12/12/2022
Proposed Elevations	B	1	12/12/2022
Existing Elevations	C	1	12/12/2022
Block Plan	BP	2	08/03/2023

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 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. As this is a retrospective application, negotiations to amend the design were not sought as the wall has already been partly constructed.