

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:	2024/62/90078/W
Site Address:	58, Southfield Road, Waterloo, Huddersfield, HD5 8RJ
Description:	Erection of 1800mm high close boarded boundary fence
Recommending Officer:	Lucy Taylor

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.

John Holmes

AUTHORISED OFFICER

Date: 26-Mar-2024

Officer Report.

Reference: 2024/90078

Location: 58, Southfield Road, Waterloo, Huddersfield, HD5 8RJ

Proposal: Erection of 1800mm high close boarded boundary fence

Site Description.

58 Southfield Road is a two-storey property which occupies a corner plot on the junction of the Southfield Road and Fleminghouse Lane. The property is faced in render and roof tiles and benefits from a driveway amenity space to the front elevation and garden amenity space to the rear elevation.

The site is located within a residential area.

Development.

The application seeks planning permission for a 1800mm high close boarded boundary fence.

The fencing is 1800mm high close boarded timber fencing, coloured light brown.

This application refers to fencing erected along the boundary adjacent to Fleminghouse Lane and Southfield Road.

History of Negotiations/Amendments Received.

No negotiations have taken place. This is due to the works being retrospective.

Relevant Planning History.

- 2020/93868 – Erection of single and two storey extensions. *Granted Conditional Full Permission.*

Representations.

We are currently undertaking the legal statutory publicity requirements as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters.

Final publicity date expired: 22nd February 2024.

In response to publicity, one supporting comment was received, which raised the following considerations:

- Increased privacy
- Increased safety and security

Consultation Responses.

KC Highways Development Management – The development is considered acceptable to Highways Development Management.

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 application site is located within an area with a known presence of bats and within an area identified by the Coal Authority as being at low risk of ground movement as a result of former mining activity.

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design
- LP30 – Biodiversity & Geodiversity
- LP51 – Protection and Improvement of Local Air Quality

Supplementary Planning Documents:

Highways Design Guide SPD (2019)

House Extensions and Alterations SPD:

The Kirklees House Extension and Alterations SPD, adopted on 29 June 2021, has been prepared to help householders, developers, agents and architects who are planning and designing an extension or alterations (householder development) to an existing residential property, including

conservatories and outbuildings, such as garages. It provides detailed guidance regarding the standard of development that will help achieve a well-designed house extension or alteration required by the Council.

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 December 2023, together with Circulars, Parliamentary 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 4 – Decision-making
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- 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

1) Principle of Development

Chapter 2 of the NPPF states that: *“Planning policies and decisions should play an active role in guiding development towards sustainable solutions...”*

Chapter 2 of the NPPF goes on to further state that objectives should: *“support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment...”*

In line with the NPPF, Policy LP1 of the Kirklees Local Plan (KLP) declares that: *“...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.”*

Policy LP1 goes further and states: *“The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”*

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that *“good design should be at the core of all proposals in the district”*.

The conclusion section of this report sets out the conclusions in relation to the principle of the development in light of all other material considerations.

2) Impact on Visual Amenity

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places), which states: *“The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*

Paragraph 135 of the NPPF is of relevance, in particular the following parts:-

- *‘b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping’*
- *‘c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change’*

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

- *‘a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...’*
- *‘c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...’*

Key Design Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality.

The development has seen the erection of a 1800mm high close boarded timber fence, coloured light brown, along the boundary adjacent to Fleminghouse Lane and Southfield Road. At the time of the officer site visit, the fence was in situ and can be seen on Google Maps Street view software.

Boundary treatments which front the highway in the immediate vicinity are characterised by low stone walls and low-level fencing. Prior to the erection of this boundary fence, No. 58 Southfield Road benefitted from a low stone wall

along the boundary adjacent to Fleminghouse Lane and Southfield Road, which appears to have been removed to facilitate the fence.

Whilst officers note the presence of tall fencing around No. 224 Fleminghouse Lane, there is no planning history for this fencing at this property and therefore, its presence does not afford any weight in the determination of this planning application.

Due to the length, height and colour of the fence, it forms a stark, solid, formal barrier with a harsh appearance, which is visually incongruous and has an unduly imposing and oppressive presence on the site boundary, which is visible from a wide scope of public vantage points, including from some distance along the highway of Southfield Road and Fleminghouse Lane.

The part of the street where the fencing has been constructed is has open and spacious character whereby large boundary treatments / intrusions to the amenity spaces adjacent to the highway do not form a common feature. The scale of the development has seen an addition which significantly impacts upon the character of this part of the street leading to a level of enclosure which is unduly oppressive and stark within the street scene, particularly taking into account the materials of construction of the boundary treatment.

It is therefore considered that the fence, which is both prominent and at odds with the street scene, has a deleterious and highly intrusive effect on the character and appearance of the street scene. This is contrary to Key Design Principle 1 of the SPD in terms of the impact on the locality and the street scene and Policy LP24 (a) of the Kirklees Local Plan.

Having taken into account the above, the fencing is considered to cause significant harm to the character of the area, thereby failing to comply with Policy LP24 (a) of the Kirklees Local Plan, Key Design Principle 1 of the House Extensions and Alterations SPD and the aims of Chapter 12 of the NPPF.

3) Impact on Residential Amenity

Section B and C of LP24 states that alterations to existing buildings should: *“...maintain appropriate distances between buildings”* and *“...minimise impact on residential amenity of future and neighbouring occupiers.”*

Further to this, Paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive/overbearing.

In accordance with Key Design Principle 7 of the House Extensions and Alterations SPD, the development does not impact upon the extent of outdoor amenity space at No. 58 Southfield Road.

The position of the fence is considered to be a sufficient distance from any neighbouring property within the streetscene to prevent any undue impacts of overbearing and / or overshadowing.

The fence is separated from No. 224 Fleminghouse Lane by the presence of a highway and from properties to the north of the site by the presence of the highway of Southfield Lane. In addition, the fence would not detrimentally impact upon the neighbouring property to the rear of the site, No. 225 Fleminghouse Lane, due to its sitting.

For these reasons, the development is not considered to cause undue harm to the residential amenities of neighbouring properties. It is therefore considered that the proposed development complies with Chapter 12 of the NPPF, LP24 of the Kirklees Local Plan and Key Design Principles 3, 4, 5, 6 and 7 of the Council's adopted House Extensions and Alterations SPD.

4) Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

As part of the determination of this planning application, a formal consultation as undertaken with KC Highways Development Management. The Highways Officer concluded that the development is considered acceptable to Highways Development Management for the following reason:

The fence is set back so that the recommended visibility splays of 2.4m x 43m at the adjacent junction of Fleminghouse Lane with Southfield Road have been maintained. As a result, the proposed fence does not affect the existing sight lines.

Given this, officers consider that the development is acceptable with regards to highway safety, appropriately accord with Chapter 9 of the NPPF, LP21 and LP22 of the Kirklees Local Plan and Key Design Principle 15 of the House Extension SPD.

5) Other Matters

Climate Change:

Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy

efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

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.

Considering the small-scale of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs any further mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the NPPF and Policy LP51 of the Kirklees Local Plan.

Bats:

Chapter 15 of the National Planning Policy Framework is relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

The application site lies within the bat alert layer on the Council's GIS system.

Given that the application is relating to fencing only, it was not considered necessary in this instance to receive comments from an Ecology & Biodiversity Officer. The development is not considered to significantly impact in this regard, taking account of the nature of the development.

6) Representations

In response to publicity, one supporting comment was received, which raised the following considerations:

- Increased privacy
- Increased safety and security

Officer Response: All the above are noted.

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 proposals do not accord with the development plan and/or the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF taken as a whole.

Recommendation: Refuse

Decision Authorisation – Delegated Powers

Application Number: 2024/90078

Officer Recommendation: Refuse

Reason for Refusal:

1. The fence, as constructed with a height of 1.8m, forms a stark, solid, formal barrier with an appearance which is visually incongruous with its surroundings, and which has an unduly imposing and oppressive presence on Southfield Road and Fleminghouse Lane. The fence, which is both prominent and at odds with the street scene, has a deleterious and intrusive effect on the character and appearance of the local area. The development is harmful to visual amenity and contrary

to Policy LP24 of the Kirklees Local Plan, Key Design Principle 1 of the Council's adopted House Extensions and Alterations SPD and policies within chapter 12 of the National Planning Policy Framework.

Plans and Specifications Schedule: -

Plan Type	Reference	Version	Date Received
Location Plan	-	-	11.01.24
Existing and Proposed Site Plans	07	-	17.01.24

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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

No negotiations have taken place as the works are retrospective.

Report Dated:

15.03.24