

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:	2024/62/90790/E
Site Address:	47, Bank Street, Mirfield, WF14 9QF
Description:	Erection of boundary fence (retrospective)
Recommending Officer:	Morgan Braithwaite

DECISION – Full Conditional 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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 09-Dec-2024

OFFICER REPORT

Site Description

47, Bank Street, Mirfield is a three-storey detached dwelling constructed from stone. The property benefits from parking provision to the front of the dwelling along with a single detached garage. An area of amenity space can be found to the side (north) and rear (north-west) of the dwelling.

The area dwellings that form the street scene are uniform in scale, appearance and material palette. The area is predominantly residential with schools and parks in close proximity to the dwelling.

It is noted that the site is located within a Bat Alert Layer on the Councils GIS System.

Description of Proposal

This application has been received for the erection of a boundary fence which is located to the front (south-east), side (north-east) and rear (north-west) elevations.

The section of fencing to the front and part of the side elevation is timber fencing with a height of 1.7m from the pavement level to the front and 1.5m from the pavement level to the side elevation. A further section to the side elevation along with that to the rear, uses the existing wall with timber fencing on the top. It is noted that this application has been made retrospectively.

Relevant Planning History

2019/92723: Erection of two dwellings. Conditional Full Permission.

2021/92041: Erection of two dwellings. Conditional Full Permission.

Representation

The application was advertised by neighbour notification letters, which expired on 02.05.2024.

No representations have been received as a result of site publicity.

Consultation Responses

KC Development Management Highways – informal consultation and no objections received.

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.

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 December 2023, 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 and beautiful places

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety

- 4) Other matters
- 5) Representations
- 6) Negotiations
- 7) Conditions
- 8) Conclusion

1 – 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 extending and making alterations to the 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 planning considerations, including visual and residential amenity, as well as highway safety.

These issues along with other policy considerations will be addressed below.

2 –Impact on visual amenity:

Key Design Principle 1 of the House Extensions & Alterations supplementary planning document (SPD) state that extension and alterations to residential properties should be in keeping with the appearance, scale, design, and local character of the area of the street scene. Furthermore, Key Design Principle 2 of the HEASPD goes onto state that extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials, and details.

The proposal would be visible from the street scene due the property's location at the end of the street, along with the application regarding the boundary treatment which separates the property from the public realm.

The works are a combination of timber fencing with a stone plinth, both materials are characteristic of the area.

Having taken the above into account, the proposed fencing would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale, and layout and (c) as the extension would form a subservient addition to the property in keeping with the existing building.

3 – 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 proposal 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 Principal 3 on privacy, Key Design Principal on overshadowing/loss of light, Key Design Principal 6 on preventing overbearing impact and Key Design Principal 7 for outdoor space.

The proposal would not cover any amenity space of the applicant property. It is considered that; the proposal would not take up any amenity space of the applicant property and sufficient amenity space would be retained should the application receive approval. Therefore, the proposal would be acceptable in terms of the residential amenity of future occupiers of the dwelling.

Impact on 28, Bank Street, Mirfield, WF14 9QF

There is approximately 12.5m between the front elevation of each dwelling. The height of the fencing allows for the privacy of the occupant of the applicant dwelling, whilst not impeding any views of no.28. The materials used to construct the fencing is characteristic of the area. As such, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

Impact on 45, Bank Street, Mirfield, WF14 9QF

There is approximately 3m between the side elevation of each dwelling. No.45 is located to the south of the application property while the boundary treatments have been erected to the north, east and western elevations of the applicant property. While there may be some visibility to the works completed to the rear of the property, the height of the works along with the materials, are characteristic of the area. As such, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

Impact on 106, Nab Lane, Mirfield, WF14 9QH

There is approximately 19.7m between the side (north) elevation of the applicant property and the front elevation of no.106. The scale and material palette of the boundary treatment is characteristic of the area. It is also noted that no.106 would have any view of the works mitigated by a satisfactory separation distance, its own boundary treatment, along with the presence of outbuildings, established trees and hedging. As such, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

Impact on 109, Nab Lane, Mirfield, WF14 9QJ

There is approximately 10.6m between the rear (west) of the applicant property and the side elevation of no.109. The proposals height and material palette are characteristic of the area and would provide privacy for both the applicant dwelling and no.109. As such, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

In summary, the proposal would have no adverse impact upon the residential amenity of adjacent occupiers and would accord with Policy LP24 of the KLP and the Key Design Principals of the House Extensions and Alterations SPD.

This application has been submitted retrospectively following the erection of the boundary treatment. This has been advertised and received no objections as such.

4 – Impact on highway safety:

The proposal would not result in the intensification of the domestic use of the property, nor would it see the addition of any bedrooms or the loss of parking provision. The boundary treatment has been set back from the property's boundary and therefore the edge of the pavement by 1.8m in order to prevent loss of vision for drivers pulling out from the junction.

Therefore, the proposal would not represent any additional harm in terms of highway safety and as such, complies with the Policy LP22 of the Kirklees Local Plan along with Key Design Principals 15 & 16 of the House Extensions and Alterations SPD.

5– Other matters:

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.

6 – Representations:

No representations have been received as a result of site publicity.

7 – Negotiations:

No alterations were requested during the course of the application.

8 – Proposed conditions

As the works have already been completed the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, is not relevant in this instance.

Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.

9 – Conclusion:

The application for the retrospective erection of a boundary fence at 47, Bank Street, Mirfield, WF14 9QF has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions and Alterations SPD, the National Planning Policy Framework and other material considerations.

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Governments 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 constitute sustainable development and is therefore recommended for approval.

Recommendation APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2024/90790

Officer Recommendation: Approve

Conditions and Reasons

1. 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, and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions and Alterations SPD and the aims of the National Planning Policy Framework.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours, Mondays to Fridays

08.00 and 13.00hours, Saturdays

With no working Sundays or Public Holidays

In some cases, different site-specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction/ sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location Plan		1033759	15.03.2024
Grouped Plans and Elevations	2314 A(00)-01 Existing Plans	1033756	15.03.2024

Plan Type	Reference	Version	Date Received
Location Plan		1033759	15.03.2024
Grouped Plans and Elevations	2314 A(10)-01 Proposed Plans – Rev A	1033757	11.11.2024
General	Climate Change Statement	1033907	21.03.2024

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.

No alterations have been sought since submission as the proposals were considered to be acceptable in their original form.

Report Dated: 06.08.2024