

# 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:         | 2024/62/91212/W                                                            |
| Site Address:         | 2, Swallow Grove, Netherton, Huddersfield, HD4 7SR                         |
| Description:          | Removal of existing fence and erection of 1.8 metre high replacement fence |
| Recommending Officer: | Joanna Rednall                                                             |

### 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.

John Holmes

***AUTHORISED OFFICER***

**Date: 02-Jul-2024**

## **The Site**

2, Swallow Grove is a detached two storey dwelling finished in artificial stone in which occupies a corner plot. The property appears to benefit from a small garden and a driveway to the front, alongside private amenity space to the side and rear. Pedestrian and vehicular access can be taken from the front boundary onto Swallow Grove. Boundary treatments consist of fencing and hedging.

The site is situated within a predominantly residential area, whereby surrounding development is similar in terms of type and architectural design. To the north-east of the site is a row of semi-detached bungalows, however the predominant construction material appears to be artificial stone.

## **The Proposal**

The applicant is seeking planning permission for the removal of existing fence and erection of 1.8 metre high replacement fence.

The fence would be constructed from timber and located along the north-west boundary, approximately 19 metres long, and along the north-east facing boundary, approximately 4 metres long. An existing hedge and fence would be removed prior to the development.

The submitted plans set out that a 200mm margin would be retained and replanted with small ornamental shrubs.

## **Planning History**

Relevant planning history for this site is summarised as follows:-

2021/93021 Erection of two storey side extension  
*Conditional full permission*

2006/95165 ERECTION OF TWO STOREY AND SINGLE STOREY  
SIDE EXTENSIONS AND NEW VEHICULAR ACCESS  
*Conditional full permission*

## **History of Negotiations**

No amendments have been sought in the processing of this application as it was considered acceptable as submitted.

### **Publicity & Representations**

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

Final publicity date expired: 13 June 2024

No representations were received as a result of the publicity.

### **Consultations**

No statutory consultations were requested for this application.

### **Allocation & Policies**

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).

Local guidance and policy is provided by the Kirklees Local Plan (adopted February 2019) as such the following policy, guidance and legislation is considered relevant to the determination of this application:-

#### **Kirklees Local Plan (LP)**

- LP1 Achieving Sustainable Development
- LP2 Place Shaping
- LP21 Highway Safety
- LP22 Parking Provision
- LP24 Design
- LP30 Biodiversity

#### **National Policies and Guidance**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF)

published 20<sup>th</sup> December 2023, 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. Considered to be of relevance to the consideration of this application are policies within the following chapters:

-

- Chapter 2 – Achieving sustainable development
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 16 – Conserving and enhancing the historic environment

#### Supplementary Planning Guidance

House Extensions and Alterations SPD (June 2021)

#### Legislation

The Town & Country Planning Act 1990 (as amended).

#### **Assessment**

The following matters are considered in the assessment below –

1. Principle of development
2. Impact upon the character and appearance of the area (including impact upon historic environment)
3. Impact upon residential amenity
4. Impact upon highway safety
5. Climate Change
6. Other matters
7. Representations
8. Conclusion

#### **1 – Principle of development:**

The site is without notation on the Kirklees Local Plan. Policy LP1 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 National Planning Policy Framework. LP1 goes on further to stating that:

*The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal 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”.

In this case, the principle of development in this application is acceptable and shall be assessed against the applicable material planning considerations within the following report.

## **2 – Impact on character and appearance of the area**

Policy LP24 (Design) of the Council's adopted Local Plan sets out 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, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers. Paragraph 135 of the NPPF is also of relevance to the consideration of this application.

Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

The proposed fencing would replace existing fencing at the property along the side and front boundaries. The submitted plans indicate that the proposed panels and feather edge boardings would be constructed from timber with a maximum height of 1.8 metres.

The host property already benefits from an existing fence of a dark brown colour finish along the side/ north-west facing boundary and a tall, mature hedge that would be removed as part of the works. It is not considered that the fence appears as an incongruous feature given it is to replace an existing

fence of a similar size and scale and could be conditioned to be dark brown or dark green colour finish which appropriately harmonises with the established character of the host property and surrounding street scene given the proposal would incorporate soft landscaping between the fence and back of the adjoining footpath.

It is therefore considered that, subject to condition the colour finish of the fence is dark brown or dark green the proposal is acceptable in terms of visual amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, the adopted House Extensions and Alterations SPD, and advice within the National Planning Policy Framework.

### **3 – Impact on residential amenity:**

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. 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.

The House Extensions and Alterations SPD sets out a number of design principles which will need to be considered when assessing a proposal's impact on residential amenity, which state:

- Principle 3 – that: *“extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours”.*
- Principle 4 – that: *“extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light and outlook.”*
- Principle 5 – that: *“extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property”.*
- Principle 6 – that: *“extensions and alterations should not unduly reduce the outlook from a neighbouring property.”*

The position of the fence is considered to be a sufficient distance from any neighbouring property within the street scene to prevent any undue impacts of overbearing and / or overshadowing. The proposed fence would not adjoin any immediate neighbouring boundaries at 2, Swallow Grove, and is

separated from No 40 & 38 Falconers Ride by the presence of a highway and from properties to the north-east of the site by the presence of the highway of Swallow Grove. In addition, the fence would not detrimentally impact upon the neighbouring property to the rear of the site, No.27 Falconers Ride, due to its siting.

The proposal would not impact upon the extent of the outdoor amenity space at 2, Swallow Grove, in accordance with KDP 7 of the SPD.

It is therefore considered that in terms of residential amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the adopted House Extensions and Alterations SPD, and advice within Chapter 12 of the National Planning Policy Framework.

#### **4 – Impact on highway safety:**

Policies LP21 and LP22 of the Kirklees Local Plan and policies within chapter 9 of the NPPF 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.

The proposed development would not increase the number of bedrooms on site, and it is considered the number of occupants within the dwelling would remain as existing. With this being the case, proposed parking arrangements are considered to be acceptable.

The proposal does not propose any changes in terms of the existing siting and scale of boundary treatments in proximity to existing junctions and highway accesses. It is therefore considered that the proposal would have a small scale impact in this regard and is acceptable in relation to highway safety.

It is also noted that there is sufficient space within the site boundary to accommodate bin storage and therefore would comply with Key Design Principle 16 of the SPD.

It is therefore considered that in terms of access and highway safety / parking the proposed would comply with Policies LP21 and LP22 of the Kirklees Local Plan, principle 15 of the Council's Street Design Guide and chapter 9 of the National Planning Policy Framework.

#### **5 – Other matters:**

## *Climate Change*

On 12<sup>th</sup> 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.

Considering the modest nature of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. A Climate Change statement has been submitted with this application.

### **6 – Representations:**

None received

### **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: 2024/91212**

**Officer Recommendation: Approve**

## Conditions

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 (as amended).

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 to accord with Policies LP01, LP02, LP21, LP22 & LP24 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 9, 12 and 14 of the National Planning Policy Framework

3. The fence hereby approved shall, in its entirety, be of a colour finish of either dark brown or dark green. The colour finish shall be completed within three months of the fence being installed and shall be retained thereafter.

**Reason:** In the interests of visual amenity to accord with policy LP24 of the Kirklees Local Plan, Principles 1 & 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapter 12 of the National Planning Policy Framework:

Plans and specifications schedule:-

| Plan Type                            | Reference | Version | Date Received |
|--------------------------------------|-----------|---------|---------------|
| Application form                     |           |         | 29/04/2024    |
| Climate change statement             |           |         | 08/05/2024    |
| Location Plan, Block Plan and Detail | 2452-0101 |         | 29/04/2024    |

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 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 amendments were sought as it was considered that the proposal was acceptable as submitted.

**Report Dated:**

01/07/2024

Low coal