

**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:	<b>2024/62/92173/W</b>
Site Address:	43, Netherton Moor Road, Netherton, Huddersfield, HD4 7JF
Description:	Erection of boundary 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: 25-Sep-2024**

## **The Site**

43, Netherton Moor Road is a two-storey detached property located in Netherton. The property occupies a corner plot and is faced in stone with a gable roofing form infilled with concrete tiles. The property benefits from a single storey integral garage to the side with a gable roof above. To the front of the dwelling is a small lawned garden with private amenity space to the rear.

Within the wider street scene of Netherton Moor Road, a strong sense of similarity is established. This is because properties share the same style of design and construction, two-storey detached dwellings faced in stone with tiled roofs.

Boundary treatments predominantly consist of hedging and shrubbery.

## **The Proposal**

The applicant is seeking planning permission for erection of boundary fence. The fence is 1.8m in height and constructed from timber.

The fence extends ~17m along the north-west facing boundary and ~13m along the north-east facing boundary.

## **Planning History**

There is no planning history for the site which is considered relevant to the current proposal.

## **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: 16<sup>th</sup> September 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:

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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).  
The Planning and Compulsory Purchase Act 2004

## Assessment

The following matters are considered in the assessment below –

1. Principle of development
1. Impact upon the character and appearance of the area (including impact upon historic environment)
2. Impact upon residential amenity
3. Impact upon highway safety
4. Other matters
5. Representations
6. 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 proposal is for 1.8m timber fencing around the north-east and north-west facing boundaries of 43, Netherton Moor Road. The submitted plans indicate that the existing hedge was removed to facilitate the fence. Upon a site visit, it was noted the predominant boundary treatments would remain hedging within the immediate surrounding area of the site. As the property is located within a prominent location and occupies a corner plot, the colour finish does not appear to appropriately harmonise with the vernacular of the street scene and residential development which the site is situated. It is therefore recommended that a condition to be added for the fencing to be of dark colour finish.

Subject to condition, it is therefore considered that 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 properties potentially affected by the proposed development are those which directly neighbour the site, these being:

*29, Falconers Ride*

This neighbour is located north-east of the application site. The development is located adjacent to the shared boundary at a maximum height of 1.8m. Due to the limited height, the fence is not considered to unduly overshadow/overbear this neighbour. The majority of the development would neighbour the driveway of No.29 and would not cause harm to the amenity space of No.29.

*41A & 64 Netherton Moor Road*

Given the separation distance and street scene in turn, the development is not considered to cause undue harm to the residential amenity of these neighbours. No overshadowing/overbearing/ privacy impacts.

*45, Netherton Moor Road*

This neighbour is located south-east of the application property. The fencing is screened by the main body of No.43, mitigating any harm to overbearing/overshadowing/ privacy.

It is therefore considered that in terms of visual 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 highway access. It is therefore considered that the proposal 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:**

### *Ecology*

Chapter 15 of the National Planning Policy Framework are 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. Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest, and therefore considered unlikely that the proposals would have an impact on the bat population. An informative has been provided however, making the applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.

### *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: 2024/92173**

**Officer Recommendation: Approve**

### Conditions

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 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
2. The fence hereby approved shall be painted or powder coated in a dark green colour finish within 3 months of the grant of planning permission. This colour finish shall thereafter be retained.  
**Reason:** In the interests of visual amenity to accord with Policies LP24 of the Kirklees Local Plan, and the aims of Chapters 2, 9 and 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Application Form			01/08/2024
General Arrangement	24076D-100-P01		01/08/2024

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. No amendments were sought or received during consideration of the application.

**Report Dated:** 24/09/2024

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