

KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended)

DELEGATED DECISION TO DETERMINE APPLICATIONS FOR CONSENT, AGREEMENT OR APPROVAL REQUIRED BY CONDITION

Reference No:	2024/44/92837/E
Site Address:	adj, 115, Westfield Lane, Wyke, BD12 9LY
Description:	Discharge of details reserved by conditions 4 (boundary treatments), 7 (estate roads) and 9 (highway condition survey) of previous permission 2024/91008 for variation conditions 1 (plans) and 3 (landscape) of previous Reserved Matters approval 2023/90909 pursuant to outline permission 2020/90436 for demolition of 1 dwelling and erection of residential development and associated works with details for access
Recommending Officer:	Louise Bearcroft

DECISION – Discharge of Condition – Approve

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.

Nicholas Hirst

AUTHORISED OFFICER

Date: 19-Sep-2025

Application: 2024/44/92837/E

Site: adj, 115, Westfield Lane, Wyke, BD12 9LY

Proposal: Discharge of details reserved by conditions 4 (boundary treatments), 7 (estate roads) and 9 (highway condition survey) of previous permission 2024/91008 for variation conditions 1 (plans) and 3 (landscape) of previous Reserved Matters approval 2023/90909 pursuant to outline permission 2020/90436 for demolition of 1 dwelling and erection of residential development and associated works with details for access

Condition 4 (boundary treatments)

4. Prior to the occupation of development, full details of boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall then be provided in full compliance with the approved details before any dwelling is occupied.

Reason: *To ensure that the boundary treatments are designed appropriately to respect and enhance the character of the area, to create a high quality place, to ensure suitable forward visibility through the site, and to ensure adequate privacy for future occupants, in accordance with Kirklees Local Plan Policies LP21, LP22 and LP24, Chapters 9 and 12 of the National Planning Policy Framework and the Housebuilders and Highway Design Guide SPDs.*

Documents Submitted

- Fencing Layout. Drawing Ref 2023-018-002 Rev F
- Miscellaneous photographs of the site

Assessment

The applicant submitted an original plan entitled '*Fencing layout*' ref 2023-108-002 Rev D. This included a blue line identifying the location of 1.8m high close boarded timber fencing to the individual plots. Officers requested clarification and further details regarding the proposed boundary treatments, resulting in the submission of a further iteration of the plan (Rev F). The following issues have been addressed:

- *Clarification of boundary treatment on the eastern boundary behind plots 12 to 15 and adjacent to the right of access/footpath* - The plan proposes a 1.8m close boarded fence to the rear of the plots, whilst the existing 1.8m high palisade metal fence to the footpath is to be retained.
- *Clarification of the boundary treatment to the south* - The applicant has confirmed the boundaries with neighbouring properties will be retained as existing, with a new 1.8m high close boundary fence to the north of the area depicted 'right of access'.

- *Plot 15* - a green line was shown on the original plan but not depicted in the corresponding key. Officers also raised concern about the appearance of a 1.8m high fence to both sides of the estate road at the entrance to the development. The applicant has confirmed that they are unable to lower the fence as it forms part of the rear garden of Plot 15, however the fence line to this plot has been set back from the estate road (shown on the corresponding photographs) to create a more open entrance which would preserve visual amenity.
- *Retaining Walls* – Where boundary treatment is to be a combination of a retaining wall and proposed 1.8m fence, officers requested visual details showing the relevant heights marked on. The applicant has confirmed this applies to the western and southern boundary and has provided photographs of the gabions and fence already constructed to plots 6-11. The details of the retaining walls were approved as part of application ref 2024/91008 (Variation of conditions 1 plans and 3 landscape). At this time the officer addressed the impacts of the proposed boundaries and noted the following:

“....the variation seeks to amend the approved site layout to allow for an extension to the retaining wall around the side of plot 11, due to the additional stability works required. The wall would extend 19.5m, with the height ranging between 2.1m to 3.2m. Additional landscaping is proposed adjacent to the retaining wall to help avoid a stark finish. This would include planting native shrubs as shown on the landscape masterplan ref: R/2679/1L. In summary, given the landscaping proposed and the stability reasons behind the height of the retaining wall, on balance the proposal can be supported in relation to visual impacts.

This application also seeks to gain permission for the slight re-location of the western gabion retaining wall which appears to have been built slightly further in from the site’s red line boundary, as opposed to along it. The height of the wall would vary due to land levels from 2.5m to 3.1m. A 2.1m vertical timber fence is also proposed along the top of the retaining wall. Whilst officers would wish to see the retaining wall lower along this elevation, the changing land levels and requirement to ensure that the land is structurally stable for the houses above it, on balance this proposed structure can be supported. The gabion wall has been constructed from stone which is a sensitive material for this edge of countryside location.

Officers are satisfied that the proposed fence details, which sit atop the approved gabion retaining walls, would preserve visual amenity.

In respect of residential amenity, the only third party likely to be impacted is 24 Brookfields Road (the detached bungalow) to the south of the site. The impact of the gabion walls on this property was considered at the

time of application ref 2024/91008. At this time officers noted the following:

“...there would be some additional overbearing impact and overshadowing upon this neighbour’s amenity, given the changes in land levels and the fact that 24 Brookfields Road is a bungalow. However, given the angle of this property and the separation proposed to allow for the landscaped area and right of access, the plans show that 6.1m would be retained from these neighbours boundary and 8.3m from their nearest elevation extending to 12.3m. Officers also note that before development began dense hedge/tree cover was established along this boundary, also creating a level of overbearing impact and overshadowing affecting this neighbour’s amenity. As such, on balance, officers do not consider the retaining wall (including plot 11) to have an unacceptably detrimental overbearing and overshadowing impact upon this neighbour’s amenity, particularly given the angle of 24 Brookfields Road, the location of its windows and its ability to receive sunlight to its front and rear elevations and garden (given that plot 11 is situated to the north). The fence proposed along the retaining wall would further preserve thus neighbour’s privacy and would be of a light weight design”.

The proposed fencing details would not override this previous conclusion, and the impact on residential amenity is considered to be acceptable.

- *Plots 14 and 15* – officers sought clarification as the fence line appeared to impact on retained tree T5. The applicant has clarified the fence posts within the area are hand-dug and installed in-line with the approved tree protection plan.
- *Plot 15* – Officers sought clarification on the fence line to Plot 5 in relation to the footprint of the dwelling. The applicant has clarified this will run into the side of the house.

The additional clarification and amended plan have addressed officer concerns and it is considered the boundary treatments are satisfactory to serve the proposed development whilst avoiding a detrimental impact on visual amenity. Officers therefore recommend that the details be approved.

As the condition has an ongoing requirement it cannot be discharged in full currently: a note of this requirement is recommended to be included on the decision notice.

Condition 7 (estate roads)

7. Prior to the occupation of the development hereby approved, details of the proposed internal adoptable estate roads shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include full sections, drainage works, street lighting, signing,

surface finishes and the treatment of sight lines, together with an independent safety audit covering all aspects of work. Before any building is brought into use the scheme shall be completed in accordance with the scheme shown on approved plans and retained thereafter.

Reason: *To ensure that suitable access is available for the development, to ensure the development does not material impact the highway safety, and to achieve a satisfactory layout, in accordance with Kirklees Local Plan Policies LP21 and LP22, Chapters 9 and 12 of the National Planning Policy Framework and the Highways Design Guide SPD.*

Documents Submitted

- Section 38 General Arrangement Layout – Drawing ref 02.03 Revision J.

Consultation Responses

K.C Highways Development Management – Confirmed via email dated 26/11/2024 that the technical approval is in place for this site so the condition relating to the internal layout can be discharged.

Assessment

The applicant has provided a Section 38 General Arrangement Layout. K.C Highways Development Management noted the technical approval is in place for this site and the condition relating to the internal layout can be approved. Officers support this assessment and therefore recommend that the details be approved.

As the condition has an ongoing requirement it cannot be discharged in full currently: a note of this requirement is recommended to be included on the decision notice.

Condition 9 (highway condition survey)

Condition Wording

9. Upon completion of the development and before any building is occupied, a highway condition survey identifying a scheme to reinstate any subsequent defects on Westfield Lane, not identified in Existing Highway Condition Survey ref: O-16.10 shall be submitted to and approved in writing by the Local Planning Authority. All of the identified works shall be implemented before any part of the development is first brought into use.

Reason: *To ensure that construction vehicles do not material harm the safety of the highway, in accordance with Kirklees Local Plan Policies LP21 and LP24, Chapters 9 and 12 of the National Planning Policy Framework and the Highways Design Guide SPD.*

Documents Submitted

- Existing Highway Condition Survey dated 20.09.2024.

Consultation Responses

K.C Highways Development Management: Confirmed via email dated 26/11/2024 that the condition relating to the pre-condition highway assessment can be discharged. It should be noted that this is usually carried out prior to works commencing on site, but given the road is in an acceptable condition can be accepted on this occasion.

Assessment

Officers concur with K.C. Highways' assessment and recommend that the details be approved. Given that the survey identified no defects, the second part (implement remedial works) does not activate. Therefore, the condition may be fully discharged.

Recommendation: Approve the details for Conditions 4, 7 and 9

Report Dated: 16/09/2025

Recommended Decision Notice Wording:

Condition 4 (Boundary Treatments)

You have submitted the following documents pursuant to condition 4:

- Fencing Layout. Drawing Ref 2023-018-002 Rev F
- Miscellaneous photographs of the site

I can confirm that the details are considered to be satisfactory for the purposes of Condition 4 and are hereby approved. However, be aware of the following ongoing requirement which must be adhered to, to ensure ongoing compliance:

The boundary treatments shall then be provided in full compliance with the approved details before any dwelling is occupied.

Condition 7 (estate roads)

You have submitted the following documents pursuant to condition 7:

- Section 38 General Arrangement Layout – Drawing ref 02.03 Revision J.

I can confirm that the details are considered to be satisfactory for the purposes of Condition 7 and are hereby approved. However, be aware of the following ongoing requirement which must be adhered to, to ensure ongoing compliance:

Before any building is brought into use the scheme shall be completed in accordance with the scheme shown on approved plans and retained thereafter.

Condition 9 (highway condition survey)

You have submitted the following documents pursuant to condition 7:

- Existing Highway Condition Survey dated 20/09/2024.

I can confirm that the details are considered to be satisfactory for the purposes of Condition 9 and the condition is hereby discharged.