

**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>2025/62/92449/W</b>
Site Address:	58, Southfield Road, Waterloo, Huddersfield, HD5 8RJ
Description:	Erection of 1800mm boundary fence reducing to 900mm fronting onto Southfield Road
Recommending Officer:	Joshua Merriman

**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: 04-Nov-2025**

## **Officer Report – 2025/92449**

### **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.

### **Description of Proposal**

#### *The Scheme*

The application is seeking planning permission for the erection of 1800mm boundary fence.

#### *Supporting Information*

In addition to the submitted plans the following documents have been submitted to support the application:

- Planning Statement

During the course of the assessment of the application, the following additional/amended plans/information was submitted for consideration:

24/10/2025 – Existing and proposed Site Plans – 2084 07 A

### **History of Negotiations / Amendments Received**

The case officer requested that the portion of the boundary fence fronting onto Southfield Road was entirely reduced to 900mm, thus having less of an impact on visual amenity and overcoming previous reasons for refusal. The applicant submitted amended plans showing this and they were deemed acceptable by the case officer.

### **Relevant Planning History**

The most relevant planning history relates to the following planning applications

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

2024/90078 – Erection of 1800mm high close boarded boundary fence – Refused for the following reason:

*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.*

## **Representations**

Publication of the application has been undertaken in accordance with the Council's Development Management Charter (July 2015).

The application has been publicised the Council's website and by site notice. The expiry date of the publicity period was the 17/10/2025. Four letters of representation were received, three in support and one in objection.

### *Letters of Objection*

- The fence is very imposing and an eyesore.
- The view from my house has been completely ruined.

### *Letters of Support*

- The fence is a necessary and practical addition to the property. Without it, the residents have very little privacy, with clear visibility into their garden and kitchen from surrounding homes and the street. A secure boundary would offer them the privacy and safety that every household deserves.
- Several other properties in the immediate vicinity already have high wooden boundary fences. Given this context, it would be unfair to single out or restrict this particular property when similar high fencing is clearly accepted and present nearby.
- The property in question is situated on a corner plot, which means it does not benefit from neighbouring houses or existing structures to shield it from public view.
- The proposed fence is in keeping with the character of the area and will contribute positively to the safety, privacy, and wellbeing of the residents.

## **Consultation Responses**

No consultations were considered necessary for this application.

## **Allocation and Policy**

The site is allocated in a bat alert layer within the Kirklees Local Plan (adopted 2019).

The following legislation, policy and guidance is considered relevant to the determination of this application:-

#### *Kirklees Local Plan*

- LP1 Achieving Sustainable Development
- LP2 Place Shaping
- LP21 Highway and Access
- LP22 Parking
- LP24 Design
- LP30 Biodiversity and Geodiversity

#### *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 2024, 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.

- Chapter2 Achieving sustainable development
- Chapter12 Achieving well-designed places
- Chapter14 Meeting the challenge of climate change, flooding and coastal change
- Chapter15 Conserving and enhancing the natural environment

#### *Supplementary Planning Documents / guidance*

- Kirklees Highway Design Guide (adopted November 2019)
- House Extensions & Alterations SPD (adopted June 2021)
- The Biodiversity Net Gain Technical Advice Note

#### *Legislation*

- The Town & Country Planning Act 1990 (as amended).
- The Planning and Compulsory Purchase Act 2004.
- The Conservation of Habitats and Species Regulations 2017

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise

#### **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. Climate Change
5. Other matters – e.g. trees/ecology (e.g. bats)
6. Representations
7. Conclusion

## **1 – Principle of Development**

### *Sustainable Development*

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal.

Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

Policy LP2 of the KLP 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”.

Given the above, subject to condition, it is considered that the proposed development constitutes appropriate development and that the proposal would comply with relevant policies.

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

### *Visual Amenity*

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Local Plan Policy LP24(a) states that all proposals should promote good design by ensuring the following: *‘the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape’*.

Despite the proposal being previously refused on visual amenity grounds, it is considered that the amendments to the current application in the form of reducing the height of the fence fronting onto Southfield Road, and painting the fence grey to soften its visual impact are a major improvement to the previously refused scheme, reference 2024/90078.

As a result, it is considered that the boundary fence is no longer a stark, solid, formal barrier that is visually incongruous with its surroundings, and is no longer imposing and oppressive on Southfield Road.

The proposed development is therefore considered to comply with Policies LP1, LP2, and LP24 of the Kirklees Local Plan, and policies within Chapters 12 and 16 of the National Planning Policy Framework.

### **3. Impact on Residential Amenity**

Sections 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.

It is noted that this application has been submitted to provide the application property with increased privacy, and given the amendments to the current application, it is considered that the fence now strikes a good balance of design and privacy for the application dwelling, while having no significant impact upon the residential amenity of neighbouring occupiers.

It is therefore considered that in terms of residential amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, and Paragraph 135 of the National Planning Policy Framework.

### **4. Impact on Highway Safety**

Policies LP21 and LP22 of the Kirklees Local Plan and 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.

Principle 19 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) requires the provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development.

It should be noted that although nothing specific is detailed on the submitted plans, the site will retain adequate space for waste storage.

As the proposal is limited in size and scale and set back from the nearest highway (Leeds Road), it is considered that there will be no significant impact on highway safety.

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. Climate Change**

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 scale and nature of the proposed development, especially that it is for private use, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the National Planning Policy Framework.

## **6. Other Matters**

### *Impact upon Ecology*

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. Whilst it is acknowledged that the site is located within an identified bat roosting area, the proposals are relatively

modest, and in this case would not impact upon the existing roof space which has the potential for providing a roost for bats. Therefore it is considered unlikely that the proposals would have a significant impact on the bat population. An informative would be included 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. Subject to informative the proposal is considered to be acceptable in this regard.

## **7. Representations**

### *Letters of Objection*

- The fence is very imposing and an eyesore.

*Officer Comment: This is addressed within the 'Visual Amenity' section of this report.*

- The view from my house has been completely ruined.

*Officer Comment: This is not considered to be a material planning consideration.*

### *Letters of Support*

- The fence is a necessary and practical addition to the property. Without it, the residents have very little privacy, with clear visibility into their garden and kitchen from surrounding homes and the street. A secure boundary would offer them the privacy and safety that every household deserves.

*Officer Comment: This is addressed within the 'Residential Amenity' section of this report.*

- Several other properties in the immediate vicinity already have high wooden boundary fences. Given this context, it would be unfair to single out or restrict this particular property when similar high fencing is clearly accepted and present nearby.

*Officer Comment: Noted.*

- The property in question is situated on a corner plot, which means it does not benefit from neighbouring houses or existing structures to shield it from public view.

*Officer Comment: Noted.*

- The proposed fence is in keeping with the character of the area and will contribute positively to the safety, privacy, and wellbeing of the residents.

*Officer Comment: Noted.*

## **8. 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, the proposed development would constitute sustainable development and is therefore recommended for approval.

**Recommendation  
PERMISSION**

**CONDITIONAL FULL**

**Decision Authorisation: Delegated Powers**

**Application Number:** 2025/92449

**Officer Recommendation:** Conditional Full Permission

### **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).
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 boundary fence hereby approved shall in all respects be coloured grey and this shall be retained thereafter.  
**Reason:** In the interests of visual amenity and in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, Principles 1

and 2 the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapter 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>
Location Plan	-	-	09/09/2025
Existing and Proposed Site Plans	2084 07 A	-	09/09/2025
Application Form	-	-	09/09/2025
Planning Statement	-	-	09/09/2025

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 2024 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:**

24/10/2025