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:	**2026/62/91712/W**
Site Address:	34-36, Bradford Road, Fartown, Huddersfield, HD1 6JE
Description:	Removal of existing fence and erection of replacement boundary treatment to front elevation
Recommending Officer:	James Evans

DECISION – Refused

I hereby authorise the refusal of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Danielle Cooper

AUTHORISED OFFICER

Date: 26-Aug-2026

Officer Report – 2026/91712

Site Description

The application site refers to 34-36 Bradford Road, Fartown, Huddersfield, HD1 6JE. The property is a two-storey building, faced in stone, with a tiled roof. The property is situated at the end of a row of terraced housing on Bradford Road and benefits from amenity space to the front and rear. The property lies in a relatively mixed street scene, surrounded by different types of buildings including both commercial and residential properties.

Description of Proposal

The Scheme

The applicant is seeking permission for the removal of the existing fence and erection of replacement boundary treatment to front elevation. The proposed boundary will have a blockwork/render finish and will have a height of 1.8m. The proposed treatment will be cream render to match the existing building and will include two lockable aluminum gates.

Supporting Information

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

- Flood Risk Assessment

History of Negotiations / Amendments Received

No amendments have been requested by Officers

Relevant Planning History

No relevant planning history.

Representations

Publication of the application has been undertaken in accordance with the Council's Development Management Charter (July 2024).

The application has been publicised on the Council's website, by neighbor notification, site notice and by press advertisement. The expiry date of the publicity period was 31/7/2026/

No representations received.

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 site is also located within an area at risk of ground movement due to previous coal mining activity, and within Flood Risk Zone Area 2.

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
LP27 Flood Risk
LP30 Biodiversity and Geodiversity
LP53 Contaminated and Unstable land

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.

A consultation draft of the National Planning Policy Framework (the Framework) was published on 16 December 2025. As a consultation, the document is at an early stage and subject to change. Accordingly, for the purposes of this application, no weight is given to the current consultation document.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

Chapter3 Decision Making Policies
Chapter4 Achieving Sustainable Development
Chapter5 Meeting the challenge of climate change
Chapter14 Achieving well designed places
Chapter15 Promoting sustainable transport
Chapter17 Pollution, public protection and security
Chapter 18 Managing flood risk and coastal change

Supplementary Planning Documents / guidance

Kirklees Highway Design Guide (adopted November 2019)
House Extensions & Alterations SPD (adopted June 2021)

Legislation

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

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
2. Impact upon residential amenity
3. Impact upon highway safety
4. Climate Change
5. Other matters – e.g. ecology / Flood Risk
6. Representations
7. Conclusion

1 – Principle of Development

Sustainable Development

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 chapter 2 of the National Planning Policy Framework.

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”.

On the basis the development has an acceptable impact upon visual amenity, residential amenity and access / highway safety considerations, as well as all other relevant considerations, the principle of development is considered to be acceptable in this case.

2 – Impact on character and appearance of the area

Policy LP24 of Kirklees Local Plan seeks to ensure development is of a suitable design. Chapter 14 of the NPPF sets out the objective to promote high quality, healthy, inclusive and sustainable places, through setting clear expectations about design outcomes and the use of relevant tools and processes.

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. The

SPD incorporates a comply or justify principle insofar as where a scheme does not comply with the recommendations of the SPD is there relevant justification present.

The proposed 1.8m high boundary wall would occupy a highly prominent position within the street scene, fronting a busy road. The proposed boundary wall would replace the existing fence with a rendered block wall, resulting in a significantly different form of boundary treatment. An assessment of boundary treatments along Bradford Road indicates that low walls and hedgerows are the predominant features, with no examples of tall, fully rendered walls, or similar structures, evident within the immediate area.

Whilst it is acknowledged that the existing boundary treatment comprises a 1.6m high fence, this structure does not benefit from planning permission and therefore carries limited weight in the assessment of the proposal.

Consequently, it is considered that the proposed boundary wall would appear incongruous within the established street scene and would fail to respond positively to the prevailing character of the area. By virtue of its height, design and prominent location, the development would result in a detrimental visual impact, to the detriment of the character and appearance of the street scene.

Considering the above, the proposed development does not comply with Policies LP1, LP2, and LP24 of the Kirklees Local Plan and is therefore unacceptable regarding visual amenity.

3. Impact on Residential Amenity

Chapter 17 of the NPPF seeks to ensure an acceptable impact of development proposals in relation to residential amenity. Policy P3(2)(b) seeks to ensure developments do not give rise to, or contribute to, an unacceptable level of access to daylight and sunlight for neighbouring residents and 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. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

In terms of residential amenity, it is considered that there would be no increased impacts upon neighbouring properties with regard to overshadowing, overbearing, light, or outlook.

The erection of the boundary wall will have little impact on the residential amenity of neighbouring occupiers, especially as there are no residential properties opposite.

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 17 of the National Planning Policy Framework.

4. Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan and policies within chapter 15 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.

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 (Bradford Rd), 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 15 of the National Planning Policy Framework.

5. Climate Change

Chapter 5 of the NPPF sets out policies relating to meeting the challenge of climate change. The objective of the policies in chapter 5 are details as being to support the transition to net zero by 2050 and to shape places in ways which are more resilient to the effects of climate change. It does this by setting out policies to shape places in ways that contribute to radical reductions in greenhouse gas emissions and adapt to the full range of current and potential impacts of climate change, by minimising vulnerability and improving resilience.

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 5 of the National Planning Policy Framework.

6. Other Matters

Impact upon Ecology

Policies within chapter 19 of the National Planning Policy Framework are relevant and seek to influence the design and location of new development to help drive nature's recovery and contribute to wider environmental outcomes, safeguarding our most important habitats, species and landscapes and recognising the centrality of natural capital to delivering sustainable growth.

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 proposal is for a rendered wall, and in this case would not impact upon the existing roof space of the dwelling. It is therefore considered unlikely that the proposals would have a significant impact on the bat population.

Impact upon Flood Risk

Policy LP27 of the Kirklees Local Plan relates to flood risk and sets out, amongst other things, a site specific flood risk assessment and inclusion of flood mitigation measures be undertaken for developments. The application site is partially located in Flood Zone 2 where, for minor works an appropriate approach is for floor levels to be no lower than the existing floor level and flood resilient/restraint measures to be incorporated. The applicant has submitted a flood risk assessment which sets out these would be applicable in this case. As such the proposal is considered acceptable in this regard.

7. Representations

No representations have been received.

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 not constitute sustainable development and is therefore recommended for refusal.

Recommendation **REFUSAL**

Decision Authorisation: Delegated Powers

Application Number: 2026/91712
Officer Recommendation: Refusal

Reasons for Refusal

1. The proposed boundary wall, by virtue of its height, siting and design, would constitute an incongruous and visually intrusive feature in a prominent location, resulting in harm to the character and appearance of the street scene. As such, the proposal would be contrary to Policy LP24 of the Kirklees Local Plan and advice contained within Chapter 14 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application Forms			23/06/2026

Plan Type	Reference	Version	Date Received
Grouped Plans and Elevations	10085/001		23/06/2026
Location Plan			23/06/2026
Proposed Site/Block Layout			23/06/2026

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 wholly unacceptable as submitted.

Report Dated: **11/08/2026**