

Kirklees Planning
Investment & Regeneration Service
PO Box B93
Civic Centre 3
Off Market Street
Huddersfield
HD1 2JR

18th December 2018

Dear Sir / Madam,

Re Application 2018/93919 - Stalley Royd Farm - Change of Use of Barn and Formation of New Access

We thank you for your letter dated 4th December 2018 notifying us of the above planning application. We wish to object to the granting of this application and to comment as follows:

Summary of key concerns

We are the _____ to the proposal. The proposed development is _____ our property and overlooks our garden and house. The change of use from being a part used farmyard to a private dwelling would bring major differences in use and have a negative impact.

Our primary reason for objecting is that the development will overlook and unduly impact our privacy due to the proximity and raised elevation of the site - such that we do not believe national planning guidance/policy on distance and space to be allowed in developments can be met, nor indeed the local guidance under policy BE12 in the Kirklees UDP.

We also object to the creation of a new tarmac road, plus digging out works, through a green belt field which is in an area designated on the local plan as being of "High Value Landscape".

Current setting

The proposed development is for the conversion of a barn and outbuilding which forms part of a farm complex. These buildings sit to the rear (northern side) _____ and were once part of the curtilage _____, the original farmhouse, before the farm was split up many years ago. This means the layout and proximity of the buildings is very close - good for a working farm, but less so for a residential complex. The buildings look directly at each other and, like much of the local area, are set into a hill and are tiered up around and above one another - which further impacts on the privacy.

We would estimate that _____ farmhouse and _____ barn / outbuildings date from the early 1800s; and add to the character of the area in a positive way - so believe care needs to be taken in protecting their character and setting when considering any proposals.

Property layout / usage

The front of the house is by the road (Sheffield Road - a major road), the Red Lion pub and is directly "on view" to houses in the village. As such, the rear of the house is the only place privacy is possible - visually and from noise. It is also the only level part of the garden - and

The house has windows and habitable rooms that look directly at the proposal - dining room, snug, bedroom, bathroom and entrance. All of these will be overlooked by the proposals. It is also the only part of the garden that is private and not "on view" - but the proposal would overlook this garden area from a raised height due to the difference in levels and tiers.

Overlooking / elevation details

The barn earmarked for conversion sits to the North of the house and is elevated so that the windows of the development will look down into the ground floor windows and pretty much directly across at the first floor windows.

The proposed garden sits to the rear of the house and garden.

Key elevation measurements are:

- +3 meters: finished floor level of proposal above ground floor level
- +2.5 meters: finished floor level of proposal above garden level
- +2 meters: height of proposed garden above ground floor level
- +1.5 meters: height of proposed garden above garden level (which is held behind a 1.7 meter high dry stone wall, acting as a retaining wall)

These differences in elevation are highly important - head height of someone stood in the garden of the proposal would be 3.5 to 4 meters above ground floor and would look directly down into the garden and the ground rooms of the house. They would also be pretty close to looking directly into the first floor windows.

Head height of someone stood in the proposed property would be 4.5 to 5 meters above ground floor level and would look directly into the first floor rooms.

I am advised that when calculating an appropriate distance and space between buildings (and land) elevation is an important factor - and that national / common planning practice / policy suggests every meter of elevation should increase the distance allowed by two meters.

Kirklees Policy BE12 states a *minimum* distance of 21m is required between habitable windows on level ground. A raised elevation of 3 meters therefore suggests the level appropriate for the site of the proposal is *27m between habitable windows*. Common national policy would suggest a distance of 28m.

Close proximity of proposed dwelling

The windows of the proposed dwelling look directly into the windows at the rear of house and remove privacy. As noted, they look down at ground floor and across to first floor.

The key distances to note are:

- 18.5 m nearest habitable window to habitable window i.e. 9.5 m less than the elevation adjusted 28m common planning guidance / policy suggests, and 8.5 less than the 27m Kirklees BE12 suggests
- 10m - habitable window of proposal to nearest point of our garden (where our outdoor sitting area is located) Kirklees policy BE12 states 10.5 m on level ground from a habitable window to the boundary of adjacent land is required, the elevation difference of 2.5m suggests this should be increased to 15.5 m.

The proximity of the property does not therefore seem to meet planning policy guidelines.

More pertinently to us, it will make it very hard to have privacy - either visually or from noise in either house or garden. We will be directly overlooked and looked at. It will also be hard not to have noise issues both ways - i.e. not only from the development to us, but also, not feeling we can enjoy rear garden as we currently do - sitting out, making noise and socialising in the evening with a residence .

Proximity of the proposed garden

The application shows a garden area will be formed directly alongside , directly by the house *and raised above both*.

It should be noted that it is likely future occupiers will most likely want to use this proposed garden on a regular basis: it is south facing, has views up the hill and is close to the kitchen of the proposal.

Key distances to note are:

- 4.6 m - proposed garden boundary to rear habitable window of house :
- 0m - proposed garden to our garden

Kirklees policy BE12 would not let a habitable window be put so close to a boundary (10.5 m flat ground) in a new development.

Loss of visual privacy due to proposed garden

The reality of the proximity of this garden, coupled with its elevation (2m above ground floor, 1.5 m above garden) means that it will significantly impact privacy. Someone stood in the garden will have a head height of circa 3.3 m above our garden and 3.8m above ground floor rooms. They would be able to look directly into the rear of house from a

very close distance. They would be able to look down in garden and over as we came in and out of the house. All of which would be at extremely close quarters.

Not only would there be no visual privacy, there would be an overbearing feel created to what is currently an open setting.

Likely noise nuisance due to proposed garden

In addition to the lack of visual privacy, there would be noise issues. As noted above, someone using the proposed garden will be at a head height that is close to first floor level and only 4.6 m from the nearest windows - nuisance caused by noise will be unavoidable - especially in summer time when we will want windows open and occupiers of the property will want to use the proposed garden.

Likewise, the proximity of main outdoor area to their living space would cause noise issues in return.

Sketch of Layout / elevations / proximity

Practicality of screening to solve the issues

We do not see how screening could be made to work to solve the privacy and noise issues raised above.

Firstly, screening will not block the likely noise nuisance of a garden being created at such a raised height and in such close proximity to the rear windows of house. (Nor indeed the proposed property being in close proximity).

As to the viability of visual screening, we see the following challenges:

Fencing would not work. A minimum fence height of six foot would be needed to provide privacy to ground floor and garden (but in reality higher to provide privacy to / from first floor due to the elevations).

However, due to the elevation differences, a six foot fence panel sitting positioned on the boundary would stand over by 3.3 meters in the garden and 3.8 meters over the ground floor of and rear entrance to (only 4.6 meters away).

This would feel oppressive as well as blocking sunlight from the East in the morning. It would also spoil the feel and character of the setting - between buildings and the landscape. Currently an open aspect exists looking up the fields between house and barn which is directly behind house and garden. Running such high fencing along would affect this.

Planting would be a real challenge to make work: some Hawthorn trees currently exist on the boundary and these do provide some attractive and non overbearing visual (but not noise) screening - however:

- This is only of use in Summer due to it being a deciduous plant. From November to April it is completely see through and offers limited screening.
- It has taken several years growth to reach a height which is only just screening the windows of the barn from / to first floor. This height is circa 2.5m to 3m (4m above garden). Its organic nature, greenness and feel however means this does not feel overbearing (as a fence would) and it would be a big loss.
- However, it is most likely any future occupier may well want to reduce this height down - which would remove the (summer only) screening actually provided and remove any privacy afforded. It is also likely any future occupier may want to thin out or remove these and change the planting completely - again removing any (summer only) screening.
- A dense, formal evergreen hedge would replicate the issues / challenges of a fence (overbearing, lack of light, height etc) and still be open to future occupiers cutting down / removing and not be able to provide the height actually needed (both whilst it grew and not being allowed to grow beyond a certain height).

Proximity of our barn to the development

We also ask the planners to note that to the North , and to the side of the proposed development sits another barn which forms part of curtilage. This barn is only 4 meters away from the proposed development building and sits directly alongside its proposed gardens and drive. It has windows that look into and onto the proposed development - both at ground and first floor level.

Whilst this is an “outhouse” , and not lived in, it is a building and space we use daily - so whilst not classed as a habitable building, it is one where there are still potential privacy issues both ways.

Construction of tarmac road in a designated area of High Landscape Value (Green Belt)

The proposed development site is currently served by a “classic” farm track of basic construction - two strips of worn hard standing with grass down the middle. It is edged by weathered post and rail fencing and dry stone walling to its upper side, which retains the land above.

From below it (to the South) it is barely visible due to its sitting / running along the natural contour of the field; and from above it to the North / East and below it to the West it blends in due to its rustic construction (two tracks and grass).

The proposal shows the creation of a new tarmac road across, down and through a field to join onto this track from above and for this existing track to be tarmacked and altered. The field to be built on currently has no formal track or indeed path - simply a right of way. The proposal also suggests that there will be digging out of the field to create passing places and the junction with the road at its Eastern end. It also suggest removal of some shrubs and trees, which would make the new road even more prominent from below and above.

The line of the new road to be constructed down the field will not blend with the contours of the land - running down the fall line instead - and will therefore be much more visible from below, unlike the existing farm track.

The plans as drawn and information provided therefore suggest a significant visual impact to the look and character of an area deemed “High Landscape Value” in the Local Plan - and as such we would ask the planners to consider whether this is acceptable and whether the visual amenity of the area will be unduly affected.

Combination with application 2018/93894

Finally, as the planners are aware, this application sits alongside another application - for development of a shed into a dwelling (2018/93894). We would simply ask that the planners bear in mind that with application 2018/93894 there are already likely to be changes to privacy, noise, traffic and appearance to the setting as a whole; which would be accentuated with this application.

We thank you for your careful consideration of these points. Should there be any clarification required please do not hesitate to contact us.

Yours faithfully,