



Application number : 2019/62/91764/E

Appeal to the refusal of request for planning

Responses to the planning Objections

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Planning Officer Reason # 01

The proposed dwelling, by the reason of its scale, siting, design and materials, would appear out of proportion with the existing dwellings in the vicinity of the application site and would introduce an incongruous feature, which would be visually prominent and dominating when viewed from the Combs Road and Wells Road. To permit the proposal would significantly detract from the appearance of the existing dwellings on Wells Road as well as historic setting of the adjacent Thornhill conservation area, which is characterized by two storey dwellings of predominantly natural stone construction, contrary to policies LP24 and LP35 of the Kirklees Local plan and chapter 12 and 16 of the natural planning policy framework.

Defendant Response

Scale- out of proportion?

Planning officer's comment is very generic and no specific dimensions or cut off scale has been provided to justify the claim. What issue made him to conclude that the scale of the proposed building is out of proportion to its neighbours? As far as building foot print is concerned, house at 18 Wells Road is 79.5 sqm, which is bigger than the proposed dwelling. Similarly, 12 Combs Road and 18a Wells Road building foot print is bigger than the proposed dwelling.

Clearly the argument of out of scale is completely incorrect and baseless as the actual numbers state otherwise. For a better understanding of the reviewer, we have developed drawing AR 09 (see attached), which is showing the size of proposed dwelling and neighbouring houses.

Siting – out of proportion to neighbours?

Planning officer failed to point out his criteria based on which the proposed property falls out of proportion to its neighbours specifically in terms of building siting. Actually, building setting out dimensions were not shown on the building plans submitted with the planning application, so it was not possible for Planning officer to come to any conclusions.

However, if you review the location plan of the Wells Road, provided with the application and shown below as Figure:1, you will notice there is no set standard of building setbacks followed by the houses on the Wells Road. This is because of the hilly nature of the land. Moreover, **none** of the individual plot dimensions throughout Wells Road are strictly symmetrical. Each home owner has tried to maximize the use of their respective lands. The proposed dwelling does not have sufficient depth as compared to no. 18 Wells Road, hence the setback which is proposed is the most efficient use of the land, given its asymmetrical dimensions.

Please see below the rationale behind the proposed setbacks for all four boundaries:

Northern setback: Moving the proposed dwelling further behind would mean overstressing the existing retaining wall on the north boundary (towards Dolce Vita restaurant) .

Southern setback: The proposed dwelling has been particularly set out to provide one parking space on the front, similar to the arrangement provided by various other houses along Wells Road.

Western setback: The used setback distance is same as to match no. 18 Wells Road.

Eastern Wells Road: Irrelevant, as facing the internal garden of the proposed dwelling



In terms of design, being out of proportion is irrelevant, if planning officer means the building type, then it is two storey dwelling with the pitched roof like the rest. It was designed upside down with lower ground and upper ground like the rest of the houses. In terms of building elevations, it is matching 18 and 18a Wells Road as both have the garages attached to the main building and same locations of main entrances. Both 18 and 18a have external steps leading to back garden to the northern part of the plot. Both 18 and 18a have a decent garden to the east (18a) and west (18) part of the plot. The proposed property intends to follow the same pattern.

Again, it is not clear from the comment that what type of material proposed by the developer made this dwelling out of proportion to its neighbours. Please see attached some of the pictures recently taken and shown below (Fig 2). There is no set pattern of material used across the houses on Wells Road (Figs 2-10). Render stone finish has been used by 18a and has been proposed for 18b.





Figure 3: Wells Road - Street View Showing Brick finish houses



Figure 4: Street View Showing white painted houses



Figure 5: Houses on wells Road with Natural Stone & Render stone finish, along with very short setback



Figure 6: Brick Houses on Wells Road with completely different design than the rest



Figure 7: Brick Houses with short building setback



Figure 8; Houses on wells Road with different ridge height & external finish



Figure 9: Houses on wells road with render stone finish & Balconies



Figure 10: House No 58 wells Road with brick finish

Detract from the appearance of the existing dwellings?

Again, no specific reasons have been provided by the Kirklees Council as to what is actually inappropriate with the proposed dwelling? There is plenty of evidence in the above shown pictures of the houses on the Wells Road (and more could be accessed from google map) that no such pattern of similarly designed houses exist on Wells Road.

In terms of external finishes, render stone (to match the neighbours) has been proposed for no. 18b Wells Road (Please see attached AR-06). While, the remaining elevations have been kept similar to the neighbouring houses.

Historic setting of the adjacent Thornhill conservation area?

Wells Road runs adjacent to Thornhill conservation area through out and all types of houses can be seen on Wells Road i.e. detached, bungalow, town houses, terraced houses, houses with brick, with stone, with render stone and even white plastered (Figs 2-10).

For the proposed dwelling; finishes are proposed based on the neighboring houses and the proposed dwelling is more integrating with the Thornhill conservation area than the other houses in the street.

Planning Officer Reason # 02

The proposed dwelling, by the reason of its scale, siting and design would result in significant overlooking, overshadowing and overbearing impact on the occupant of the existing dwelling at no 18 and 18a Wells Road, which would be unduly detrimental to their living conditions. To permit the proposal which would be unduly harmful to residential amenity, would be contrary to policy LP24 of the Kirklees local plan, which requires all proposals to be designed in such a way that they minimize the impact on the future and neighboring occupiers.

Defendant Response

Scale - Over looking

18 Wells Road

Planning officer states that the proposed property by its scale will be overlooking on to 18 Wells Road is inappropriate. The proposed dwelling is **4.26m lower** than no. 12 Combs Road (see attached AR -07) which has window facing no. 18 Wells Road.

The proposed dwelling's (18b Wells Road) ridge height is matching with no. 20 Wells Road and is only 1.5m higher than no. 18 Wells Road. We fail to understand that how come no. 20 Wells Road which is facing no. 18 Wells Road garden and 12 Combs Road facing the no. 18 Wells Road south elevation and almost 5m higher is not overlooking on 18 Wells Road?

The two properties (no. 18 and no. 18b) will be separated by the **two** side steps in between followed by the garages for the two properties. Moreover, there are no windows on the eastern elevation of no. 18 Wells Road. Furthermore, the proposed dwelling (18b Wells Road) is set out in such an away that it is 785mm ahead from the back wall of 18 Wells Road. This will make overlooking impossible even with the balconies on ground floor of the proposed dwelling 18b Wells Road.

18a Wells Road

To address the issue and make it clear to reviewer, drawing AR 08 is attached with this appeal. No. 18a is almost 25m away from the proposed dwelling, there is garden and turning head exists between them.

No. 18a has no garden or window facing the proposed dwelling no.18b. It is impossible for no. 18b residents to see the garden of no. 18a, which is north side of the plot and obstructed by the 18a house itself. As a matter of fact, the proposed dwelling will be enclosed by a 2m high wooden fence, which will make it impossible for its ground and lower ground floor to overlook. There is only one window on the above floor, which is located in the middle of the property and because of its size, it has limited view, thus it is impossible to overlook 18a Wells Road.

It is also important to note that it due to the hilly nature of the area, many other houses are overlooking into each other. Hence, our conclusion is that there is no chance of overlooking on to no. 18a. It is evident that by raising this argument, planning officer did not assess all the neighbouring houses.

Siting – Over looking

18 Wells Road

Planning officer failed to point out the criteria which made him/her believe the proposed property due to its siting is overlooking in to 18 Wells Road. As a matter of fact, building setting out dimensions were not shown on the building plans submitted with the planning application, so it wasn't even possible for Planning officer to come to any conclusion on this.

The proposed dwelling is positioned in such a way that it would minimize the overlooking, even if any chance of overlooking did exist. No. 18b Wells Road is set out in such an away that it is ahead of no. 18 Wells Road back wall. This setting out is proposed to eliminate chances of overlooking even with the balconies on first floor. This is because there is fence of 2.1m height, followed by a gap of almost 2m between the two dwellings and the balcony is 785mm behind, which means if someone tries to look, it would not be possible for him to see.

18a Wells Road

There is no chance that the proposed siting of the dwelling can affect in any way, as the location of no. 18a Wells Road is too far off. The proposed siting will be at the far end of the western corner of the plot, which is the maximum distance, that can be achieved between two dwellings. In our opinion it is illogical to see this as a reason to object the planning.

Design – Over looking

18 Wells Road & 18a Wells Road

The design has been proposed to match the neighbours. Every effort has been made to minimize the buildup area to reduce the cost and maximize the outdoor area. Two balconies have been proposed on the north elevation and it has been assured that they do not cause any privacy issues for the adjacent neighbours, as the north elevation is facing car park of Dolce Vita. While, the viewing windows have been designed on the east elevation, which is facing internal garden of the proposed dwelling with a 2m high retaining wall and then 2m wooden fence above it, followed by a turning head point and garage of the next dwelling (no. 18a). This whole distance sums up to 25 m between the proposed dwelling and no.18 a Wells Road, which cannot possibly in any way lead to overlooking of the neighbouring property (no. 18 a Wells Road).



Figure 11: 18a Wells Road- Elevation Facing 18b Wells Road

Scale – Overshadowing

18 Wells Road & 18a Wells Road

Scale of the proposed dwelling in terms of building foot print is smaller than all three dwellings surrounding the plot. The proposed dwelling is lower than 12 Combs Road. Of course, the building ridge is only 1.5m high than the no. 18 Wells Road but so is the ridge of no. 20 Wells Road (located next to no. 18 Wells Road) These are detached houses on a hilly terrain and keeping a same ridge is not mandatory neither was it followed by others .

Siting – Overshadowing

18 Wells Road

The proposed dwelling has been positioned to minimize any overshadowing impact on no. 18 Wells Road, if there is any. For the better understanding please see below sun path for summer and winter case (Figures12, 13)

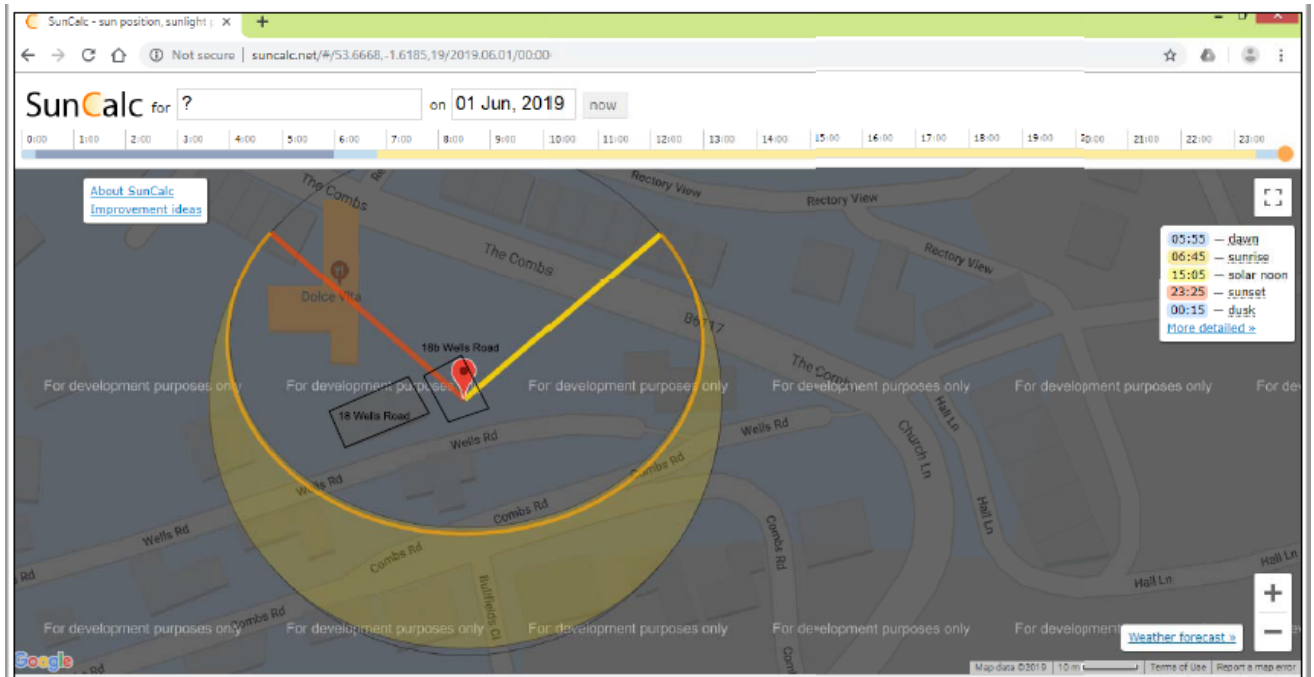


Figure 12: Sun path for Summers

In the above Figure 12, it is obvious that in the summer when we have long summer days, the sun will start at the north east part of the land and when it reaches to east, it will be at greater elevation. This means when the sun is rising and at a lower elevation, 18 Wells Road will have clear sunlight and when it comes in exact east, it will so high in altitude that 18b Wells Road will still have no sun light issue from 18b Wells Road.

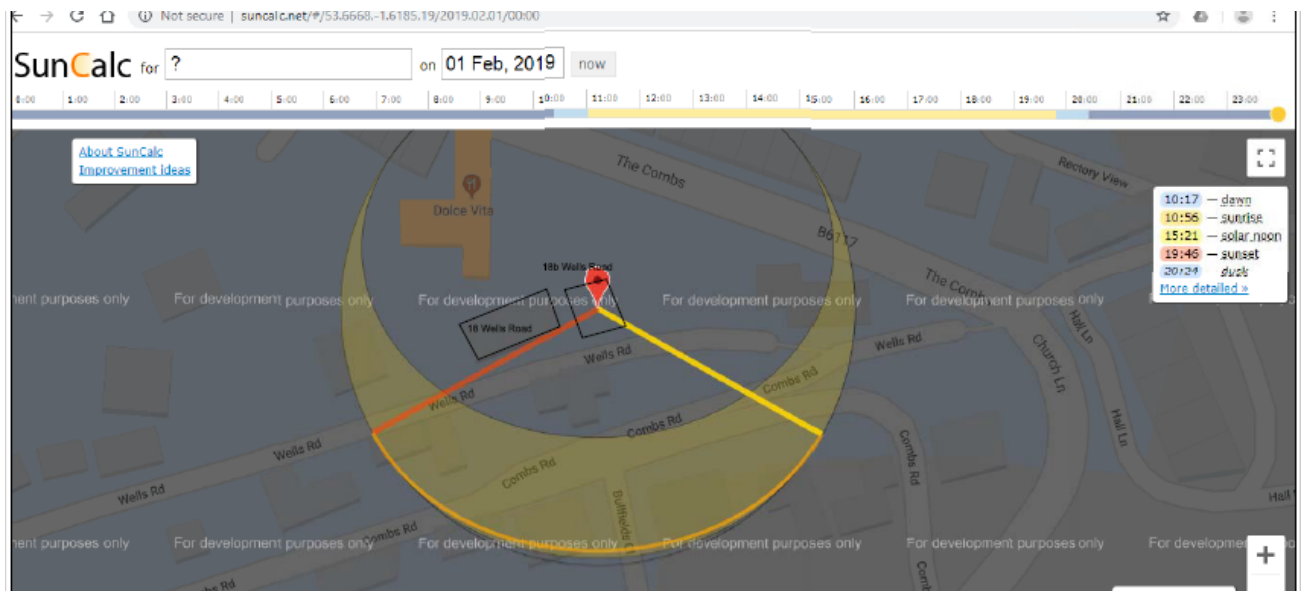


Figure 13: Sun Path for Winters

In contrast to the summer, the sun in winter rises from south east, so by no means the proposed dwelling will cause any shadowing to no. 18 Wells Road as seen in Figure 13.

18a Wells Road

There is no chance that a property 25m away gets overshadowed to the property of same size. We would appreciate logical explanation as to why no. 18a has been tugged in to this argument.

Design – Over shadowing

18 Wells Road & 18a Wells Road

There is no clear reason provided by the planning officer as to which aspect of the design has caused over shadowing to properties which are so far away. Proposed dwelling is a pitched roof traditional two storey dwelling with some rooms within the loft. It was done to minimize the building foot print, maximize the outdoor area, minimize any visual intrusions, minimize any impact on the existing retaining wall on north boundary , minimize the building cost, maximize the day light and build a property which will enhance the value of the area without compromising the Thornhill conservation site.

Planning Officer Reason # 03

The proposed development proposal would fail to provide sufficient off-street parking spaces for the future occupants of the dwelling and thereby give rise to unacceptable harm to highway safety and efficiency by way of causing obstruction to Wells Road and the turning facility in the immediate vicinity. To permit the proposal as submitted would substantially prejudice highway safety , efficiency and parking , contrary to policies LP21 and LP22 of the Kirklees Local plan.

Defendant Response

Insufficient off-street parking

Within the proposed dwelling we have provided garage for two cars along with one parking space on the front of the house. We believe these are as per the Kirklees car parking requirements.

