

FAO: Mr Nick Hirst,
Planning Services,
Kirklees Council
Flint Street,
Huddersfield
HD1 6LG

9th June 2020

Dear Mr Nick Hurst,

Re: Planning Application 2020/60/91084/W

For: Outline planning application for erection of detached dwelling

At: Land off Cowrakes Road, Lindley, Huddersfield, HD3 3ST

We write to voice our objection against this planning application. The applicant has included land within our ownership on the site location plan – which warrants invalidation and refusal of this application. We have not consented to such use of our land. The proposal also contradicts certain National and Local planning policy; has not *sufficiently* considered matters such as access, manoeuvrability on site and potential for conflicts of movement; and will ultimately result in poorly designed, cramped development. It should therefore be refused by the Authority without delay.

Land Ownership

The applicant has included the access road within the red line site area – indicating that this land is within their ownership. However, the land is in fact within our ownership. Please see the Appendix below for appended documentation concerning land ownership and depiction of the land boundary.

It is not within the Applicant's remit to use our land for their development proposal. We have not given them permission to use our land for a planning application, or for use in the capacity proposed.

The application is therefore centred upon a site which is not owned by the applicant – resulting in an invalid application form / application.

This has been noted and re-submission of the application is proposed – following serving of notice to land owners (us) via Certificate B forms.

The applicant therefore proposes to use our access for the proposed development. We will be pursuing legal options

National Planning Policy

NPPF

The NPPF (National Planning Policy Framework) is the National guidance that all applicants should consider within an application. The following has not been considered by the applicant:

Section 12: Achieving well-designed places

P124. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

P127. Planning policies and decisions should ensure that developments:

- a) Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) *Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) *Are sympathetic to local character and history, including the surrounding built environment and landscape setting;*
- f) Create places that are safe, including and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

P130. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

Building for Life

The Building for Life document is referenced within the NPPF and also needs to be considered in the context of this proposal.

1 Connections

Does the scheme integrate into its surroundings by reinforcing existing connections and creating new ones, while also respecting existing buildings and land uses around the development site?

1a. Where should vehicles come in and out of the development?

1d. How should the new development relate to existing development? What should happen at the edges of the development site?

We recommend

Thinking about where connections can and should be made; and about how best the new development can integrate into the existing neighbourhood rather than creating an inward looking cul-de-sac development.

6 Working with the site and its context

We recommend

Being a considerate neighbour. Have regard to the height, layout, building line and form of existing development at the boundaries of the development site.

National Design Guide

The National Design Guide was published in October 2019 with the intention of ensuring good quality design for new development. The following is therefore also relevant to this application;

C1 Understand and relate well to the site, its local and wider context

40. Well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It enhances positive qualities and improves negative ones. Some features are physical including:

- *The existing built development, including layout, form, scale, appearance, details and materials;*
- *Access, movement and accessibility;*
- *How it functions.*

Others are non-physical, such as:

- The aspirations, concerns and perceptions of local communities.

Local Planning Policy

Kirklees Local Plan Strategy and Policies (Adopted February 2019)

The following from the local plan is relevant to this application and needs specific consideration.

Policy LP21 Highways and Access

Proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by users.

All proposals shall:

- a. Ensure the safe and efficient flow of traffic within the development and on the surrounding highway network;
- f. Take into account access for emergency, service and refuse collection vehicles;

10.78 *Site layout should be safe and secure, and minimise conflicts between road traffic, cyclists and pedestrians, and should avoid street clutter.*

10.80. *In summary, the council will expect site layouts to:*

- *Facilitate connectivity and accessibility to existing public transport modes, cycling and walking routes;*
- Minimise conflict between vehicular traffic, pedestrians and cyclists and ensure that development can accommodate service vehicles;

10.82. *The design of site layouts has a large role to play in facilitating sustainable development and can contribute to the safety of residents within the site and the efficient accommodation of private vehicles.*

Policy LP24 Design

Good design should be at the core of all proposals in the district and should be considered at the outset of the development process, ensuring that design forms part of pre-application consultation of a proposal.

Proposals should promote good design by ensuring:

- a. The form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape;
- b. They provide a high standard of amenity for future and neighbouring occupiers.

Kirklees Highways Design Guide – Supplementary Planning Document (Adopted November 2019)

The following from the Highways Design Guide should be considered in the context of the access of the development proposed here:

Overall, proposals should aim to:

- *Place emphasis on the edges of the site to ensure that important connections with adjoining residential areas are successful;*
- *Prioritise pedestrians and cyclists over motorists;*
- Provide easy access to dwellings for emergency vehicles and refuse collection;
- Envisage how future development could integrate with the proposal.

Access

...should demonstrate:

- Why the access points and routes have been chosen;
- How the site responds to road layout and public transport provision;
- How everyone can get to and move through the place on equal terms regardless of age, disability, ethnicity or social grouping.

Material Planning Considerations

Access

As outlined above, the access is not within the applicant's ownership. The development could therefore only be accessed using land not within the applicant's ownership – i.e. our land – and for a use which we have not granted our approval. The access is also inappropriate for the proposed development given the planning policy outlined above.

Moreover, from the plan provided it appears that the entrance to the new property would be where the side of the garages are, very close to our own entrance. This will likely result in inadequate parking, turning and accessibility (please see Appendix 2, Figure 1). There is subsequently the likely possibility that there will be insufficient manoeuvrability on site for emergency vehicles – such cause of concern has been raised by Highways Development Management.

It should be noted that no visibility splay or similar has been provided with this application. Given that the proposed access would ordinarily be deemed too narrow to serve residential dwellings (see Highways Response below), visibility splays ought to be provided to ensure safe access / egress can actually be achieved for this site.

Highways Development Management Response

Highways Development Management made the following assessment of this application:

“Under normal circumstances, the access would be deemed too narrow to serve two dwellings (the track also appearing to be used to access the garage of no. 52 Cowrakes Road), and visibility splays would be required to ensure these were to the standard required. However, in this instance, weight must be given to the removal of the existing six garages, thereby reducing the number of vehicle parking spaces from six to two. This de-intensification of use of the access precludes Highways DM from raising objection to this element of the scheme”.

This somewhat overlooks the potential for increased vehicular movements per day – whilst there is greater potential for use of the site in future for parking / garage use (if these are re-opened) this does not necessarily mean that the proposed use would be automatically result in less intensive use of the site in terms of vehicular movement. It also overlooks the fact that we currently have exclusive use of the second half of our lane for vehicular traffic. The proposal will at least double traffic on this section of the lane. This will adversely impact our privacy and cause additional wear and tear of this part of our lane. This is evidenced by the comparative condition of the two sections of the lane.

Further, the above indicates that the access is inappropriate – i.e. too narrow – and this appears to have been overlooked and given less material weight than it should be given (considering Policy LP21: Highways and Access from the Kirklees Local Plan). The narrowness of the lane access is shown by the following width measurements:

- Entrance on Cowrakes road: 108.5”
- Front garage corner: 115.5 “
- Back garage corner: 116.5”

Highways also indicated that the plans do not demonstrate that fire service (i.e. emergency) vehicles would be able to access the site sufficiently / safely.

Existing use of the site for parking

A large number of residents value the use of the site as a safe parking area - which, to local knowledge, has been used in such capacity for circa. 40 years. The site is therefore valued by existing residents and local people for its existing use – strongly suggesting that the site remain in such use, rather than changed to residential use.

Also visible is the roof line of our row of 4 cottages – in comparison to the height of the former garages. The current new buildings are much taller than our cottages and the garages, this makes us fearful of the height of the proposed new house. Any building as tall as the present ones could result in a loss of light and over shadowing to our garden – as can be seen from Appendix 2, Figure 3.

Impact on Residential Amenity

Overlooking

The proposal will result in overlooking and loss of privacy. This will also have an adverse and detrimental impact upon our right to private enjoyment of our property. This can be seen in Appendix 2, Figure 5 – which depicts our gates from the lane, roughly where the access to the new house would be if built as shown. Clearly, there would be a substantial loss of privacy.

Our cottage is not totally enclosed, unlike the rest of the cottages. This privacy would be removed as a consequence of the proposed development, resulting in loss of residential amenity. Please see Appendix 2, Figure 9.

Overbearing development

Appendix 2, Figure 6 depicts the view from our front bedroom – which shows the relative heights of the existing buildings on Cowrakes Road compared to the new builds (as well as their significant height compared to the cottages). The proposed development will therefore result in overbearing development and result in blocking out our daylight.

The final height of the current development already dominates other buildings around the boundary. (The outline plan was for bungalows. This gives us no confidence that the scant details of the current proposal will be adhered to). There have already been problems concerning parking when builders have been constructing this new development. The proposed development will therefore exacerbate this problem and increase the scale of overbearing development at this location, to the detriment of residential amenity.

Noise / Disturbance

There would also be an increase in noise and disturbance at the front of our house as a consequence of the proposed development. Given the increased day-to-day use of the site, this would have an adverse impact upon our residential amenity. As mentioned above, we have sole vehicular use of the second half of the lane.

Proximity of Public Footpaths

There are two public footpaths near the proposal site – including the route to Victorian terrace. These are well used by local residents and have seemingly been ignored by the applicant within their plans / assessment of the site.

Heritage setting

The proposed development would have an adverse impact on the heritage setting of the listed buildings bordering the development.

Other Considerations

Issues with application documents

Site Location Plan

As outlined in this letter, the proposed site access / lane incorporates land within our ownership – not the applicant's. The Site Location plan is therefore erroneous and should have been considered invalid from the outset.

Planning / Design and Access Statement

The following is outlined in the Planning Statement and needs to be addressed.

The statement contends that the site is a suitable windfall site given the adjacent / nearby precedent for recently approved housing (i.e. Planning Applications 2018/90123 and 2019/93283 –). However, the site was more in keeping with the existing street scene and had more sufficient / appropriate access and egress compared to that proposed in this application.

“3.2. The indicative site layout ensures that the proposed dwelling has its own private garden, whilst neighbouring properties maintain their levels of privacy”.

This will clearly not be the case for us – as outlined above. Appendix 2, Figure 9 shows how the height of the back wall of the garages provides privacy. Any reduction in the boundary height will significantly reduce our privacy.

We have measured the distance from our furthest gatepost to the back corner of the garage. This is 123.5 inches, totally inadequate for a turning circle.

The statement indicates that the proposed development will accord with Section 12 of the NPPF. However, as outlined above, this proposal will likely contradict this section – specifically paragraph 127(a) and (f).

“4.2. Access to the site will be directly off Cowrakes Road via a private track”.

As outlined in this objection, this private track is owned by us, and we have not given approval / permission for this track to be used for this application.

“4.3 Space will be provided at the head of the private drive to allow cars to turn around”.

No auto-tracking or equivalent has been produced on plans to demonstrate that the site has sufficient space to accommodate additional vehicle manoeuvrability requirements.

“4.4. Refuse bins from the dwelling will be brought to the frontage of Cowrakes Road avoiding the need for service vehicles to enter the site. A fire appliance will also be capable of reaching the dwelling from the highway without entering the site”.

As already explored in this objection, the applicant has not demonstrated that emergency / fire vehicles can access / egress the site safely and sufficiently.

“5.3. The accessibility of the site has been analysed both in terms of the surrounding area and within the site itself. This has considered the ease of movement through the site...”

The site will not accommodate movement within the site – that is to say, that the movement within the site could be cramped / constricted, given inadequate space on site for vehicle turning and general movement within the site. As aforementioned, would likely result in adverse impact upon our residential amenity.

Summary

The above *strongly* indicates that the proposed development should not be allowed to proceed. The applicant has utilised land within our ownership for their proposal – which we have not given our approval for, and which ought to result in invalidation / refusal of the application by the Authority. Aside from this, the proposal will result in a poor access / egress for future occupiers of the proposed dwelling and an unacceptable adverse impact upon our residential amenity.