



Mr Josh Kwok
Planning Officer
Planning Services
Kirklees Council
PO Box B93
Civic Centre 3
Huddersfield
HD1 2JR

26th May 2020

Dear Josh,

Full Planning Application for a detached dwellinghouse on land to the rear of 8 Grove Terrace, Birkenshaw, BD11 2LY

On behalf of the Applicant, please find enclosed a full planning application for the development of a detached dwellinghouse at the aforementioned site.

Planning History

A planning application for a detached dwelling was previously submitted to the Council for consideration under Ref: 2019/62/93357/E. The application was subsequently withdrawn on the 16th December 2019 to allow the Applicant opportunity to make amendments to improve the proposals. This application now seeks planning permission for the amended proposals.

Planning Policy Overview

The Development Plan for Kirklees comprises of the Kirklees Local Plan which was adopted on the 27th February 2019. The main policy requirements for the proposed dwelling is design and parking standards, the following policies are therefore applicable:

Policy LP24: Design - Good design should be at the core of all proposals in the district. 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; and
- b. they provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings;

Policy LP22: Parking - All proposals shall provide full details of the design and levels of proposed parking provision. They should demonstrate how the design and amount of parking proposed is the most efficient use of land within the development as part of encouraging sustainable travel.

Design

a: 9 York Place, Leeds LS1 2DS t: 0113 243 6116
a: 32 Eyre Street, Sheffield, S1 4QZ t: 0114 354 0220
w: www.idplanning.co.uk

The site comprises a parcel of land to the rear of 8 Grove Terrace in Birkenshaw. The land is privately owned by 8 Grove Terrace and is currently used as garden land but is surplus to requirements.

The Proposed Development is for a three-bedroom detached dwellinghouse with full details provided on the submitted plans. The floorspace of development for both 8 Grove Terrace and the proposed dwellinghouse are as follows:

8 Grove Terrace

49m² Building footprint

31m² Garden space

83m² Drive (entire area to the rear)

Proposed Dwellinghouse

62m² Building footprint

193m² Garden space

65m² Drive

All habitable windows are to the south and east of the Proposed Dwellinghouse to avoid any overlooking on the northern and western elevations. The WC, bathroom and en-suite rooms all have obscure glazed windows to prevent overlooking and maintain privacy for residents.

Access and Parking

The site would be accessed from Grove Terrace. Off road parking for two cars is provided to the western elevation. Existing access and parking for two vehicles is retained for 8 Grove Terrace. No changes are made to access and parking for 9 and 10 Grove Terrace.

Distance between dwellings and protecting neighbouring residential amenity

The adopted Kirklees Local Plan (2019) does not provide specific guidance on minimum distances between dwellings however, consideration is given to the guidance from superseded Policy BE12 of the Kirklees Unitary Development Plan saved policies (2007).

Superseded Policy BE12 recommends a separation distance of:

- a. 12m between existing habitable room windows and non-habitable room windows and 21m between habitable room windows of any two dwellings;
- b. 10.5m is recommended from a habitable room window and the boundary of any adjacent undeveloped land; and
- c. 1.5m between any wall of a new dwelling and the boundary of any adjacent land other than a highway.

Any distances less than this may be acceptable providing that it can be shown that by reason of permanent screening, changes in level or innovative design no detriment would be caused to existing or future occupiers of the dwellings.

The following distances are achieved between existing and proposed development which broadly accord with the minimum distances set by superseded Policy BE12. There would be no harmful impact or overlooking to neighbouring properties in this regard.

- a. 12.7m from the rear of Number 9 Grove Terrace to the western elevation of the proposed dwellinghouse

- b. 20m from the eastern elevation of the proposed dwellinghouse to the rear of properties on Tetley Drive
- c. 5.9m from the southern elevation of the proposed dwellinghouse to the boundary of Number 11 Grove Terrace's garden; and
- d. 3.7m from the north elevation to the boundary (which is well screened by existing tree planting) and 13.4m from 15 Grove Terrace.

It is also noted that some of the distances quoted on the drawings submitted with this application are to the walls of extensions to neighbouring properties; the actual distance to the original dwellings, as should be measured under BE12, is therefore greater.

Amenity Space

193m² of private garden space is provided to the northern, eastern and southern boundaries of the site. 31m² of outdoor amenity space is retained for Number 8 Grove Terrace. This is a similar arrangement to that of the adjacent terraced properties at 9 and 10 Grove Terrace. The boundaries of the site are screened by existing tree and hedge planting.

Number 8 Grove Terrace benefits from a large area of land to the rear that is used for parking. Numbers 9 and 10 Grove Terrace do not have any rear garden space except a small yard area. The size of this yard has recently been increased through the demolition of the unsightly former toilet block. Number 9 has one upstairs bedroom window and a frosted bathroom window overlooking the proposed development site. Number 10 has 1 frosted bathroom window overlooking the proposed development site.

Examples of Similar Developments in the Locality

There are three recently approved residential developments within Birkenshaw and the local area that are similar to the Proposed Development as follows. The applicant has sought to reflect some of the arrangements accepted in these examples with the resubmitted scheme.

Example 1:

Ref: 2018/91253 - Land adjacent 710 Bradford Road, Birkenshaw, BD11 2AE
(Kirklees LPA)

The development comprises a pair of two storey semi-detached dwellings. A small area of garden space for each dwelling is maintained to the rear. Whilst the application was assessed against the Council's Unitary Development Plan saved Policies (2007) which has since been superseded by the adopted Kirklees Local Plan (2019), it is similar to the Proposed Development in that it developed residential dwelling houses in an area that is constrained by existing residential development.

The Officer Report for the application states that: *"The relationship of the front elevation to existing surrounding development is indirect with sharp angles achieved from habitable room windows to other windows/walls. This relationship is particularly notable to number 710 and 718a Bradford Road. Officers also note that nearby buildings, nos. 708 and 712 Bradford Road do not contain habitable room windows in the side elevation thereby mitigating any potential loss of privacy. Number 710 is within the ownership of the applicant and contains habitable room windows to the principle elevation. This aspect is currently open and the introduction of additional residential development is not considered to result in any significant loss to any occupants. Adequate space is maintained to the rear of the dwellings and although reduces to less than 10.5metres it is considered acceptable when taking into account the established character of the area."*

A similar approach to the layout and separation distances has been taken with the submitted scheme.

Example 2:

Ref: 17/07418/FU – Land at 153 To 155 Whitehall Road, Drighlington, Bradford, BD11 1AT (Leeds LPA)

The development comprises a detached 4-bedroom dwellinghouse. Permission was previously granted for a smaller dwellinghouse in the same location under permission 17/02235/FU.

The Officer Report for the application assesses the distance between existing and proposed dwellings as follows: *“A distance of 10.5m is maintained to the rear boundary shared with No. 16 Kingsdale Gardens and at least 17m to that property from the proposed rear windows. The separation distance of 9m to the rear of No. 153 and 12m to the rear of 155 remains as approved. However, the proposed development will introduce front facing windows at first floor serving bedrooms. The impact on the amenity of Nos. 153 and 155 has been assessed. No 153 does not have any rear facing windows at first floor window. The only window at this level faces eastwards rather than southwards towards the proposed dwelling. As such, the occupants would not experience any overlooking into the first-floor windows. It is recognised that the increased scale compared to the approved bungalow may result in more of an overbearing impact on the residents of this property. However, it is not considered that the impact would be so significant to refuse permission on this basis. There are rear windows at first floor level of No.155. This property is located to the north west of the proposed dwelling and therefore any potential overlooking into the neighbour’s windows would be oblique. It is therefore not considered that the scheme could be refused on amenity grounds in relation to the impact of No.155.”*

Third Example:

14/01882/FU - Land Adjacent To 287A Whitehall Road, Drighlington, Bradford, BD11 1BH (Leeds LPA)

The development comprises of a two storey 4-bedroom detached dwellinghouse.

The Officer Report states that the dwellinghouse was reduced in scale from the original plans and the following distances have been agreed with Officers to allow approval of the application: *“The total floor area is 220m. The dwelling is to be positioned centrally within the site, set back 7.5m from Whitehall Road and retaining approx. 2.5m to the side boundaries. Following revisions to the scheme the rear garden now proposes to be 10m in depth and 18m in length, resulting in approx. 180m². The site is bordered by the principle elevation of no 287b to the south east. This property is situated 11m from the host site and would be 13.5m from the two-storey side elevation of the proposed dwelling. No 285 abuts the rear southern boundary of the site 10m from the proposed rear elevation of the development. The property would sit on similar building line to no 267 which is situated to the east. Windows are proposed to the front, rear and west side elevation.”*

All three of the examples above have distances between existing and new dwelling houses less than that as proposed for the Proposed Development at Grove Terrace in Birkenshaw. In this regard, we consider that the distances achieved between existing properties on Grove Terrace and Tetley Drive and the Proposed Development are acceptable and would cause no material harm.

Application Documents

The submitted application comprises of the following documents:

- Location Plan and Proposed Floorplans and Elevations (20-01 Rev D)
- Proposed Site Plan (20-02 Rev D)
- Planning Statement

I trust that you have all the information required to validate the application and would be grateful if you can please confirm safe receipt of the planning application. If you require anything further in the meantime, please do not hesitate to contact the undersigned.

Yours sincerely,

A. Windress

**Andrew Windress MA MRTPI
Director**