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Planning Development

By Email Only

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Kirklees Planning Services
Development Control

FAO: Ellie Worth

RE: OBJECTION TO ERECTION OF EXTENSIONS AND ALTERATIONS TO EXISTING COACH HOUSE TO FORM ANNEXE ACCOMMODATION ASSOCIATED WITH COACHWAYS, 1A DINGLEY ROAD, EDGERTON, HUDDERSFIELD, HD3 3AY AND PARTIAL DEMOLITION OF EXISTING BUNGALOW WITH RE-BUILD TO FORM 2 STOREY DWELLING (WITHIN A CONSERVATION AREA)

LPA REF: 2021/90126

Dear Madam,

Robert Halstead Chartered Surveyors and Town Planners have been instructed to submit an objection letter to Kirklees Council on behalf of an immediately adjacent property.

Firstly, our clients' concerns are based upon whether or not the conversion of the former coach house to an annexe is genuinely ancillary residential accommodation, and secondly, the potential impact the proposed development would have on highway safety and amenity issues.

These matters form the basis of this objection and are discussed in detail in the following sections.

The proposed annexe

The former coach house is split into three parts. One third is owned by the applicant and two thirds are owned by 1B Dingley Road (our clients). The applicant's part of the coach house currently comprises of storage on the ground floor with an office on the first floor.

The applicant has applied for the conversion and extension of their part of the coach house to form an annexe to the main dwellinghouse. The plans show that the annexe would comprise of an open plan lounge and kitchen area, a W.C. and a small entrance hall area on the ground floor with one bedroom and en-suite bathroom on the first floor. Two designated car parking spaces have also been proposed in front of the annexe.

Given the type and amount of accommodation proposed, our clients are concerned that the annexe would not be ancillary residential accommodation for the enjoyment of the main house but would

instead be used as separate primary living accommodation. The proposed annexe would be fully self-contained providing all of the facilities necessary for independent day-to-day living e.g. kitchen, lounge, bedroom, bathroom, plus its own allocated parking spaces. Access to the annexe would also be entirely separate from the access to the main house.

No information has been provided by the applicant to explain the nature of the accommodation proposed and its intended use. This information is considered crucial when determining the merits of the case.

Cases such as *Uttlesford DC v Secretary of State for the Environment and White [1992]* make it clear that a fact and degree judgment must be made on the specific circumstances of the case. The courts have determined that the key issue is whether a separate planning unit has been created. If an outbuilding with its living accommodation is part of the same land unit as the dwelling house and provided that the planning unit remains a single-family occupation, continues to function as a single household, no material change of use is involved. However, where this is not the case and separate primary living accommodation can be identified, it is likely a separate planning unit has been created and hence planning permission would be required.

Given these conclusions that the proposed 'annexe' is likely to form an independent residential unit, the planning and highway implications of the proposed development (of two dwellings) needs to be carefully considered, in particular with regard to parking, access, and highway safety (see below).

Highway Safety

The application proposes four car parking spaces. Two spaces are proposed in front of the 'annexe' and two spaces are proposed, in tandem, at the side of the main house.

The Kirklees Highways Design Guide states that, '*as an initial point of reference for residential developments, it is considered that new 4+ bedroom dwellings provide 3 off-street spaces and 1-2 bedroom apartments provide one space ... in most circumstances one visitor space per four dwellings is considered appropriate.*'¹

Only two spaces are proposed for the new 4-bed dwelling, which is lower than the recommended three spaces. Whilst only one space is recommended for 1-2 bedroom *apartments*, the 'annexe' is proposed as one bedroomed house not an apartment and therefore justifies two spaces in our opinion. The total number of four spaces proposed is therefore insufficient (it needs to be five) and moreover, there is no visitor parking provision. It is felt that the development should include at least one space for visitor parking given that the existing drive would serve four dwellings (the fourth dwelling being 12 Thornhill Road, which also has a legal right of access to its rear). The proposals as they stand would result in visitors parking on Dingley Road, which is a narrow road with substandard footways and does not meet modern standards. Any displacement of parking onto the highway would therefore be detrimental to the free and safe use of Dingley Road.

Our clients are equally concerned that the four car parking spaces proposed would not be able to operate properly within the confines of the land owned and as a result, the proposals would again have a detrimental impact on highway safety.

As can be seen from the location plan and the proposed layout plan when viewed together, the red line boundary forms a line directly from the corner of the first of the tandem parking spaces to the

¹ Paragraph 5.4

corner of 1B Dingley Road. This means that there is no turning space for any of the proposed parking spaces when the spaces are fully occupied, meaning that cars would either have to reverse all the way up the drive from Dingley Road, or reverse all the way down the drive to Dingley Road, a length of approximately 32m.

The parking proposals and lack of internal turning space would therefore potentially result in accidents occurring between cars entering/exiting the drive and pedestrians and vehicles using Dingley Road, and between cars entering/exiting the drive and the residents of 1B Dingley Road (our clients), as they share the drive and access with the applicant. It should be noted that our clients land cannot be used as a turning area.

The proposals could also create additional on-street parking if the applicant and/or their visitors decide it's too onerous reversing up and down the drive all the time. An increase in on-street parking would reduce visibility and restrict the free flow of traffic along Dingley Road.

The issues around highway safety are likely to be further exasperated if the proposed 'annexe' is actually a separate planning unit as the occupants of the additional dwellinghouse would also be using the drive to reverse up and down along with their visitors and deliveries etc.

It is important to note that the Council's Highways Department raised the issue of internal turning space provision in their initial consultation response on a previous application (LPA ref: 2011/91069). They were later agreeable to the proposals provided that the annexe was incidental accommodation to the main house and did not constitute a separate planning unit – in the interests of highway safety. However, the inescapable fact still remains that inadequate internal turning space is available within the land ownership of the applicant and it is suggested that the Local Highway Authority needs to scrutinise this case in more detail.

The proposed development is therefore considered to be contrary to paragraphs 108 b)² and 110 c)³ in the NPPF and Local Plan Policy LP21 (Highways and Access).

Amenity

As previously mentioned, the applicant only owns one third of the coach house with our clients owning the remaining two thirds. It is considered that the proposed conversion of the applicant's part of the coach house to residential could potentially restrict our clients current and future use of their part of the coach house. Residential development is noise sensitive. Our clients currently use their part of the coach house as a garage and occasionally for DIY projects. If our clients or any other future occupant wanted to increase the use of the coach house as a domestic workshop for example, this is likely to create conflict. Our clients feel that the more sensible option for both parties would be to retain the coach house as an outbuilding to serve the needs of both properties.

The front elevation of the coach house looks directly towards the side elevation of our clients' property. Habitable room windows are proposed in the front elevation on the proposed 'annexe, and our clients also have windows in their side elevation. The separation distance of just under 13m is therefore felt to be unacceptable as this would create additional overlooking and loss of privacy for our clients, and as such would be of detriment to their residential amenity.

² 'In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users.'

³ 'Applications for development should create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles.'

Finally, the overall scheme is considered to constitute overdevelopment of the site. It is felt that there is simply insufficient space to accommodate all of the proposals (a significantly larger house, the extensions to the coach house and the additional parking required) without the site feeling cramped. The proposals would therefore cause harm to visual amenity and the character and appearance of the conservation area.

The proposals are therefore considered to be unacceptable and contrary to paragraph 127 in the NPPF and Local Plan Policy LP24 (Design).

Given the reasons outlined above, our clients strongly object to the proposed development. It is therefore respectfully requested that the Council refuse this application.

Yours faithfully,

Nick Willock MRTPI MRICS

Robert Halstead Chartered Surveyors and Town Planners