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Dear Mr Bearcroft

2021/91239/FU – Redevelopment of 410 & 412 Birkby Road, Huddersfield, HD2 2DN

to submit
comments in respect of the current planning application referenced above which proposes the demolition and rebuild of two domestic residential properties immediately adjacent to the Diocesan property at 9 Valley Head, Fixby HD2 2DH. The Diocesan property is the home of the Bishop of Huddersfield and is used for pastoral, ecumenical and safeguarding purposes.

As existing residential properties there is no objection to the principle to redevelop the properties at 410 & 412 Birkby Road if this brings forward appropriate development upon the site which does not impinge upon or affect the amenity or use of adjacent residential property. As a Diocesan property No.9 Valley Head is a particularly sensitive location for the amenity, security and safety of the occupants and their guests; the current proposals at Birkby Road are considered to impinge on this matter. Whilst there are two dwellings proposed, most of this correspondence specifically relates to the new Dwelling B which will replace 410 Birkby Road, given its direct relationship.

Examination of the Council's Public Access web site demonstrates that there is an extensive planning history to the application site. The history reflects what is currently upon the site, but also informs how any redevelopment of the site, particularly at 410 Birkby Road, should be brought forward. Numerous applications relate to the renewal of a planning permission initially granted in the 1980's for no.410. Of relevance to the current proposals are approvals 2002/94246 (Erection of Detached Bungalow with Integral Garage) which appears to be the dwelling at No 410 as it is presently, and 2013/93405 (Variation of Condition No.8 to 2002/94246).

Two conditions attached to the variation of condition application (93405) are relevant in this instance. The Decision Notice issued on 2 December 2013 requires under Condition 4:

"no additional windows or openings shall be inserted in the side elevations hereby approved".

The reason given is *"to protect the privacy of adjacent residential properties and to accord with Policies BE12 and D2 of the UDP"*.

Notably the reasoning to the condition, indicates a plural for side elevations (west and east) and multiple adjacent properties, so applies equally to all adjacent properties.

Condition 3 attached to the permission seeks to remove any permitted development rights for part of the site such that

“no buildings or extensions shall be erected in the area hatched red on the approved site plan received 29 October 2013.”

The reason given is *“to maintain effective control over the site in the interests of protecting the mature trees protected by a Tree Preservation Order, in accordance with Policy NE9 of the UDP.”*

An extract of the site plan is detailed below:



This hatched area comprises the area of woodland between No 410 Kirkby Road and No. 9 Valley Head, and other properties and is consistent with the extent of the Group TPO.

To note, as listed in Appendix 2 of the adopted Local Plan, UDP policies identified in the conditions - policies BE12 and D2 have been replaced by Policy LP24 of the 2019 Local Plan; whilst Policy NE9 has been replaced by Policy LP33 Trees

In our view those considerations are material and relevant to the current proposals.

No.9 Valley Head was purchased by the Diocesan Board for the Bishop in August 2015. The property was deemed to provide an appropriate level of amenity and privacy/confidentiality for the Bishop to carry out his duties both as the Bishop of Huddersfield but also the role with the National Church as the Lead for Safeguarding. The privacy matter relates both to the house but also the grounds, gardens, and external areas.

Having reviewed the material supporting the current planning application, it does not appear to fully represent the characteristics of the site and how the proposals will sit within it, nor the relationship with adjacent properties. As such the currently submitted the proposals are not considered to be consistent with national policy in the Framework (as amended), nor the policies of the Kirklees Local Plan adopted in February 2019, namely (LP1), LP24, LP30, LP31, LP32 and LP33. The reasoning behind this is set out below:

Policy LP24 is an umbrella policy which states that good design should be considered from the outset of the development process, ensuring that design forms part of the preapplication process. It is not clear whether the proposals have been subject to preapplication consultation or submitted to a design review, both of which are deemed to be good practise.

LP24 criterion (a) seeks to ensure that the form, scale, layout, and details of all development respects the character of townscape, heritage assets and landscape. Numerous plans are submitted in support of the scheme; however, these are slightly misleading in terms of **scale and massing**:

Plan Ref.: 21.21.08 Footprint Comparison Plan outlines the footprints of the existing and proposed dwellings suggesting that the new dwellings sit in sizeable plots. This fails to recognise the topography of the site and that both existing dwellings sit on engineered platforms with retaining walls. These features are demonstrated on the submitted Topographical Plan including surroundings (Plan Ref.: 21.21.04) which indicate the steep drop off (to the north and east) from the engineered platform. The Footprint Comparison Plan also fails to indicate the extent of the retaining structures which will be required for the new dwellings.

Plan No 21.21.14 Cross Section Perspective A demonstrates the cross section and relationship between the existing bungalow at 410 Birkby Road and the structure (Dwelling B) that will replace it. What the perspective demonstrates is that the existing dwelling is modest in scale as a (five-bedroom) bungalow with accommodation in the roof space. The ground level to the east of the bungalow indicates a relatively gentle slope which has been engineered, although there is evidence of gabions. It shows the general relationship with No.9 Valley Head which sits to the east, below the bungalow.

Looking at Plan Re.: 21.21.08 "Footprint Comparison" this suggests the new dwelling's eastern elevation will be closer to No. 9 Valley Head, at its nearest about 8m closer (at the north east corner). It is worth adding that some 1.5 m from the new eastern elevation will be a retaining wall. Given that the ground falls away to the north it is anticipated to be taller than 1.8m high as indicated on the Cross Section Perspective A. Therefore, the new dwelling will be around 8m closer than existing and the elevation will change from a blank stepped single storey to a two-storey elevation 4m tall, alongside a 1.8m+ high retaining wall. It is considered that this relationship between the two buildings is inappropriate and the new building will be overbearing in terms of its design and scale, sitting above Valley Head.

Notwithstanding the issue of scale and mass, there is also one of **privacy and overlooking**. LP24 criterion (b) requires proposals to provide a high standard of amenity for future and neighbouring occupiers, maintaining appropriate distances between buildings and incorporating means of screening. As explained above No.9 Valley Head was purchased by the Diocese for particular reasons, whilst this recognised the proximity to No. 410, this was compensated by extensive screening provided by the protected (TPO) mature trees, smaller trees, level scrub and bushes below the canopy, as well as evergreen hedging immediately adjacent to No. 410.

Plan Ref 21.21.03 Existing Dwelling B (bottom right) demonstrates the existing eastern elevation and comprises a single storey with tall roof, albeit parts of the elevation step in and the roof plane is sloping away from the boundary. It is a largely blank elevation other than an access door and two obscure glazed windows which the accompanying floorplan (Plan. Ref. No 21.21.02) suggests are for the utility and two bathrooms. Condition 4 attached to permission 2013/90345 is relevant in this case.

Turning to the detailed drawing for the new dwelling B (Plan Ref. 21.21.11A) this suggests that the two-storey elevation will contain three floor-to-ceiling windows to the ground floor and three smaller windows at ground and first floor). The accompanying floorplan indicates two of the larger windows serve the living room whilst the third is for a gym. The smaller windows are for a changing room and two en-suite bathrooms (at first floor). At first floor level the plan and elevation indicate a glazed cantilevered balcony to the north elevation corner (i.e. that part of the dwelling closest to No. 9 Valley Head). When the patio area (between the new dwelling and retaining wall is considered this will represent a substantial breach of privacy, with direct overlooking of the garden and some of the principal rooms to No 9 Valley Head.

It is worth reflecting upon the Council's previous consideration of development proposals, at No. 410 Birkby Road confirming the removal of PD rights on the eastern part of the site. Whilst this was amended through a subsequent variation of condition, this established an area of the site contiguous with the TPO which indicated an effective "no build zone", to retain the trees for screening, but also for their own value.

Further the issue of separation and screening may be further exacerbated by the engineering works required to provide the engineered plateau. Reference to Plan TPP01 indicates the extent of the tree canopy and root protection areas. There is a substantial likelihood that several of mature trees may need to be severely pruned or removed to accommodate the development. These trees are subject to a group TPO.

From a visit to site it appears that some tree work has already been undertaken. At this time of year (Spring) the presence of trees may provide substantial screening even when thinned. However, most of the trees are deciduous so unlikely to provide screening in the winter months between November and April.

Such consequences and activity would seem contrary to LP24 criterion (i) which seeks to retain valuable or important trees and other landscaping to maximise visual amenity and environmental benefits. Where such vegetation is denuded, it may also be contrary to criterion (h) which requires new development to enhance the natural environment, support biodiversity and enhances ecological networks and green infrastructure. There is specific policy or designation for the application site identified on the Council Local Plan Interactive Map, although the land and woodland to the north is indicated as an area for biodiversity improvement.

In failing against criterion (h) and (i), the proposals also fall against policies LP30 (Biodiversity), LP31 (Green Infrastructure Networks), LP32 (Landscape), and LP33 (Trees).

In conclusion, the Leeds Diocesan Board of Finance does not object to the principle of the redevelopment of the site at 410 and 412 Birkby Road to provide two replacement dwellings. However, it is considered that the current proposals (a 7000sqft dwelling and a 6,000sq.ft dwelling) represent over-development. Given the topography and tree cover present the developable area is not as extensive as suggested.

In the previous determination of development proposals at No 410 Birkby Road (where information is available on the Council's Public Access) it is apparent that detailed consideration has been given to the relationship between 410 Birkby Road, with the dwelling and garden area at No 9 Valley Head. This is particularly so given that Valley Head is situated below the site. Consideration has also been given to protecting the trees between them which are subject a group TPO; these provide screening along with green infrastructure and potential biodiversity.

Having regard to the material submitted with the planning application it is considered that the current proposals particularly for no. 410 (Proposed Dwelling B) are not consistent with the provisions of the Framework and contrary to relevant policies in the Development Plan namely LP24, 30, 31, 32 and 33. Planning permission should therefore be refused.

We would welcome acknowledgement of receipt of these comments and will happily elaborate on the points made; it may be that a site visit would prove informative. Correspondence is also submitted by the

Bishop of Huddersfield that will provide perspective of the occupation of No.9 Valley Head as a Diocesan property. If any changes are proposed to the application proposals, we would welcome the opportunity to comment further.