



Land at Olney Street

Slaithwaite

HD7 5EG

**Appeal against the refusal of an outline application
for a single dwelling.**

Introduction

This statement has been produced by AKPlanning in support of a planning appeal of an outline application for the erection of a single dwelling on land off Olney Street, Slaithwaite. All matters were reserved.

The application was refused by Kirklees Council on the 26th February 2022 for the following reason: -

- 1. The proposed residential development, in relation to plot size and taking into account its relationship with surrounding development, would represent a cramped and contrived form of development constituting an overdevelopment of the site. It would fail to add to the overall quality of the area or result in a scheme that is visually attractive. Therefore, the development would be contrary to Policy LP24 of the Kirklees Local Plan, Principles 2, 5 and 6 of the Councils Housebuilder Design Guide SPD and Chapter 12 of the National Planning Policy Framework*

This statement will address the reason for refusal.

Site Location and Description

The site is located on the end of Olney Street. it is currently occupied by 3 garages that are unused and falling into disrepair.



Olney Street consists of a mix of house types, old person bungalows adjoin the site with Victorian terraces dominating the rest of the streetscene.

Planning Policy

The Local Planning Authority (LPA) have referred to the house builder design guide (SPD) in their reason for refusal. In particular they refer to principles 2, 5 and 6.

For reference purposes these are reproduced below.

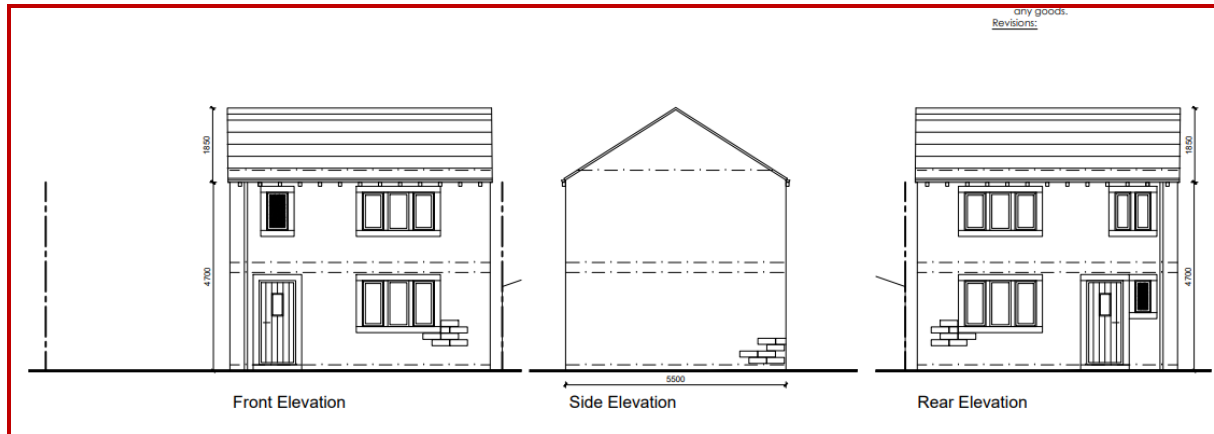
Principle 2 New residential development should respect and enhance the local character of the area by: Taking cues from the character of the built and natural environment within the locality Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.

Principle 5 Buildings should be aligned and set-back to form a coherent building line and designed to front on to the street, including corner plots, to help create active frontages. The layout of the development should enable important views to be maintained to provide a sense of places and visual connections to surrounding areas, and seek to enable interesting townscape and landscape features to be viewed at the end of streets, working with site topography. The arrangement of buildings should consider maintaining privacy and residential amenity. Effective boundary treatments should be used to form defensible space and delineate between public and private realm. Buildings should be arranged to take account of weather and microclimates.

Principle 6 Residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.

The Appellant's Case

The application well submitted in outline only with all matters reserved, however a detailed plan was included that indicated a two storey, two-bedroom dwelling. It was of a traditional design similar in appearance to the Victorian terraces that dominate the street.



The LPA have treated the application as though this detailed plan was applied for. It is therefore our intention to address the issues raised based on this plan. However we also put forward a without prejudice argument that the inspector could ignore this plan and approve an outline application with all matters reserved and the final design and siting of the building to be agreed at reserved matters stage.

With regard to principle 5 the proposed building is set back from the roadside and as there is no established building line on this part of the road it complies with this principle.

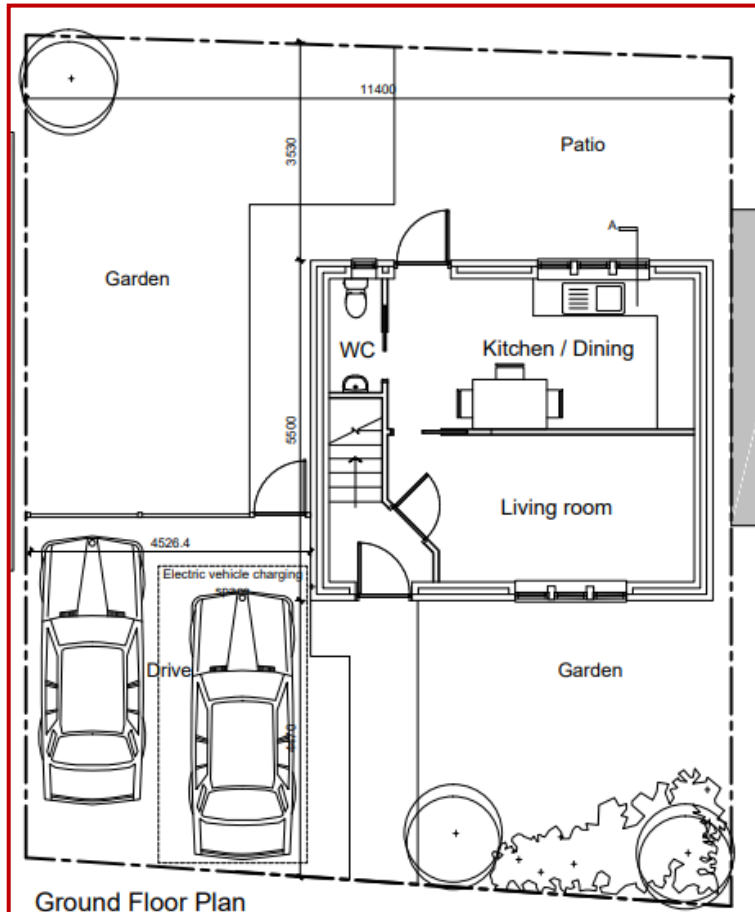
Principle 5 requires new development to take clues from the existing built environment. As we have already stated the submitted plan shows a two Storey dwelling constructed of stone and slate that would match the dominant visual house type on the street (photograph below from the end of Olney Street)



Adjacent and opposite to the site are bungalows constructed of non traditional materials and of a design that is not in keeping with the street as a whole. It would be inappropriate for any new dwelling on this site to try and copy existing poor design.

It is our contention that the proposed development is appropriate to its location and as such complies with principle 5.

Principle 6 requires that new development has appropriate and sufficient amenity space and privacy



The proposed layout which is shown on the adjacent plan includes two parking spaces, a front garden, a rear garden, and a large side garden.

The proposal is for a modestly sized two-bedroom dwelling. It is intended as a starter dwelling or possibly for an older couple downsizing.

It is our conclusion that the garden space of the proposal is sufficient for the needs of any future occupiers and complies with principle 6.

An examination of the layout of the terraced dwellings opposite the site shows that they have far less amenity space and do not have any off street parking. The proposal is far superior in this respect to the existing houses near to the site.

Conclusions

The application is in outline only with all matters reserved. in the first instance we would ask the inspector to consider the principle of development and if this is found acceptable to impose appropriate conditions to control the scale, design and appearance of any new dwelling.

without prejudice to this argument we have provided evidence that the development as shown on the submitted plan is appropriately sited within the street, has an appropriate appearance as a two Storey stone dwelling with traditional features, and that it has sufficient outdoor space in relation to its modest scale.

it is therefore our conclusion that this appeal can be allowed and planning permission granted.

*AKPlanning
147 Lane Top
Linthwaite
Huddersfield HD7 5SG*

*Contact: Andrew Keeling
E-mail: andrew@akplanning.co.uk
Mobile: 07500965645*



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Chartered Town Planner