Malcolm Sizer Planning Ltd.
17 Kistvaen Gardens
Meltham
Holmfirth
HD9 5NQ

Kirklees Council

Planning and Development

Monday 19 February 2024

Dear Sirs,

Proposed demolition of existing garage and erection of two storey side extension with association external alterations at 25, Greenlaws Close, Upperthong, Holmfirth, HD9 5HN

I am a planning consultant acting on behalf of
11, Greenlaws Close in respect of their objection to that part of the proposal relating to the erection of a two storey extension. Their objection is raised on three issues which I deal with in turn.

1) IMPACT ON CHARACTER OF THE AREA

The extension is proposed taking up the full width of the drive to the application property, being situated at the end of a terrace of four properties. Immediately adjoining to the side is the drive and garage to my client's property, a steeply sloping front garden, paving and then the front of their house.

At present the gable wall of the application property is at a distance of approx. 12.5 metres from the front wall of my client's property and that of their neighbour at No. 15.

That distance will reduce to approx. 10 metres if the new extension is allowed. The immediate area around the application property is fairly densely built-up. It is considered that to allow the extension would add to that rather cramped form.

Policy LP24 of the Kirklees Local Plan includes '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…'

It is considered that the proposal, adding to the cramped feel of the area immediately surrounding the development will fail to respect and in fact will detract rather than enhance the character of the townscape.

As such the proposal is contrary to Policy LP24 of the Kirklees Local Plan.

The Kirklees House Extensions and Alterations Supplementary Planning Document gives detailed guidance on how Local Plan policy should be interpreted.

Paragraphs 5.19 to 5.22 are particularly relevant as they relate to two storey side extensions.

Para 5.19 includes that 'Adequate space between buildings should be retained to provide a sense of space which is important to the character of an area. For the reasons set out above in relation to Local Plan Policy LP24, the proposal fails in this respect.

Para 5.20 include that two storey side extensions should not take up all or most of the space to the side of a house and should maintain a 1 metre gap to the side boundary. On both counts the application fails.

Finally, para 5.22 includes that a gap of at least 1 metre to boundary walls should be provided to retain rear access to gardens. There is of course no wall delineating the boundary between the applicant's and my clients' property. The extensions will be built on that boundary line and the only way access can be achieved by the applicant to his rear garden would be by over my clients' drive to which there is no right of way. There is no provision for access directly through the garage thus, the

proposal fails in this respect also with regard to Kirklees guidance in the House Extensions and Alterations Supplementary Planning Document.

2) UNDUE IMPACT ON MY CLIENT'S AMENITY

I have already set out the general relationship between the application property and my clients' house across their steeply sloping front garden.

Attached is a photograph taken from their (only) front lounge window showing their garden, steps up to their drive and the gable wall of the applicant's house beyond at a distance of approx.12.5 metres. The application proposal reduces that distance to approx. 10 metres.

Given in particular the difference in level between the two properties it is considered that the proposed extension will exacerbate the existing overbearing impact that the existing gable wall has.

Policy LP24 of the Local Plan states that 'Proposals should promote good design by ensuring b) they provide a high standard of amenity for future and neighbouring occupiers. The level of amenity currently enjoyed by my clients and by their neighbours at No. 15 is far from of a high standard. The proposal will make matters materially worse.

Policy 2 of the Holme Valley Neighbourhood Development Plan at Section 8 requires that development should fit in with and neither dominate nor have a detrimental impact on its surroundings and neighbouring properties.

Section 10 requires that 'Proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers of land and buildings.' The proposals will clearly have a harmful impact on my clients' amenity in conflict with both sections of Policy 2 of the Neighbourhood Plan.

3) ACCESS AND PARKING

Attached is a copy of my clients' deed plan which shows edged in red their ownership together with, shaded yellow, land over which they enjoy a right of access.

It will be noted that that right of access is not just along the line of the continuation of their garage and drive onto Greenlaws Close but also along part of the drive of the application property.

The proposed extension is to be located on land over which my clients enjoy no access rights.

However, the drawing reference 24/979/04 recently submitted clearly shows a parking space proposed at the front of the applicant's drive.

As such, that parking space should be discounted as parking as it would be in breach of my clients' and their neighbours at nos. 15 and 17 right to access their properties.

The application proposals include a garage. The applicant has accepted in discussion with myself that the width of his drive from his gable wall to that part of the drive owned by my clients is half of 5.1 metres i.e. 2.55 metres.

It is noted that the proposals include 1) removing the outer leaf of the existing gable wall to increase the width of the garage but proposes a double skin outer wall along my clients' boundary. As such the internal width of the garage will be marginally less than 2.55 metres.

Paragraph 5.15 of the Kirklees Highways Design Guide includes that 'For a garage to be treated as a parking space, the minimum internal dimensions should be: single garage 6.0m long x 3.0m wide.

Accordingly, width-wise the proposed garage is inadequate. So also, is the length available within the garage, effectively only being approximately 4.5 metres long.

Paragraph 5.4 of the Highways Design Guide states that new 2-to-3-bedroom dwellings should provide a minimum of two off-street car parking spaces.

The application proposes 3No. bedrooms together with a study which is clearly big enough to be used as a fourth bedroom. In such cases the Guide requires a minimum of 3 spaces.

It is considered that though the standards relate to new dwellings, they are entirely appropriate in circumstances such as this especially where a number of objections submitted to the Council, including from the Holme Valley Parish Council, cite on-street parking and highway safety issues.

On this basis the proposal fails – the garage is of inadequate size, both in length and width to be considered a parking space; the parking space shown at the drive entrance to No. 25 would block the rights of way to neighbouring properties preventing access and egress.

As such the only parking space available is that shown on the application plan at right angles across the applicant's site frontage.

Accordingly, the minimum requirement set out in the Highways Design Guide is not met for a 3-bedroom house, let alone what clearly can be used as a 4-bedroom house.

In conclusion I have carefully set out relevant policies as set out in local policy and guidance documents. In a number of respects, the application fails.

As such the only appropriate decision is for the Council to refuse the application.

Yours faithfully

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