

Our Ref: 2428/RLP/01

22 March 2024

Kirklees Council
Planning and Development Service
PO Box 1720
Huddersfield HD1 9EL

Dear Sir/Madam

APPLICATION NO 2024/90311 - ERECTION OF SINGLE STOREY REAR EXTENSION WITH SIDE EXTENSION AND ASSOCIATED ALTERATIONS AT 6 WHITLEY WILLOWS, LEPTON

I have been asked by the owner of the neighbouring property at No 4 to review the proposals in respect of the above application and to lodge representations where appropriate. Having assessed the plans which accompany the application, objections are raised to the proposals on behalf of my client, as follows.

Policy Position

In terms of planning policies, it is considered that policies LP24 and LP57 of the Local Plan are relevant to this objection as well as the advice at paragraphs 135 and 142 of the National Planning Policy Framework. Also relevant is the Council's House Extensions and Alterations SPD (June 2021).

Policy LP24 requires design to be at the core of all proposals, with good design ensuring that a high standard of amenity is achieved for future and neighbouring occupiers, including maintaining appropriate distances between buildings.

Policy LP57 advises that proposals for, amongst other things, the extension of buildings in the Green Belt will normally be acceptable provided it does not result in a greater impact on openness in terms of, again amongst other things, curtilages and enclosures.

Paragraph 135 of the Framework requires development to provide a high standard of amenity for existing and future users.

Paragraph 142 advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, with the essential characteristics of Green Belts being their openness and permanence.

Analysis of Plans

There are no concerns with the side extension element of the application.

Although there are no measurements provided on the plans, the depth of the rear extension would appear to be approximately 6m with a width of 7m.

The description of the application makes no mention that the proposals for the flat roofed rear extension show an intention to create a roof terrace/balcony enclosed with a glass balustrade.

Grounds of Objection

There are two grounds of objection to the proposal.

Firstly, the proposals for the roof terrace/balcony will result in significant overlooking of the private garden area of No 4 at close quarters. It can reasonably be expected that in proposing this terrace and how it is shown to be laid out on the plans that this is an area that the owners of the property will use for sitting out and due to its size it could be used by multiple numbers of people including guests/friends for socialising.

There is nothing in the proposals within the application to screen or prevent the overlooking that would occur and it is considered that there is no realistic mechanism available to be able to avoid that overlooking in any event. The actual location and height of the roof terrace/balcony is such that direct overlooking into the private garden area of No 4 cannot be mitigated through boundary treatment.

Paragraph 5.5 of the House Extensions and Alterations SPD says that roof terraces should not negatively affect neighbouring properties and should be positioned, and screened if required, so that they do not overlook neighbouring homes or gardens. That requirement is not achieved in this planning application.

Furthermore, with the terrace/balcony on the rear extension being so much further forward than No 4, and being in the position that it is proposed, this raises a clear opportunity when people are on the terrace/balcony for them to be able to look back directly into the windows along the rear of No 4, both at ground floor and first floor level.

The impact of the proposals in terms of overlooking and general loss of privacy and amenity to No 4 is also contrary to Policy LP24 and paragraph 135 of the Framework.

Moving onto the second issue, the 2008 planning permission for No 6 (at the time referenced as Plot 8 on the overall Whitley Willows development) showed on the approved site plan (reference 1968-02) the extent of the domestic curtilage at the rear of the property, which was drawn quite tightly in relation to the footprint of the dwelling. Condition 9 of the planning permission (ref 2008/92981) required that the residential curtilage shall not extend beyond the line indicated on drawing number 1968-02 and the reason for that condition was because the *"...site falls within the Green Belt where any extension to the residential curtilage would be detrimental to the openness, character and visual amenity of the Green Belt..."*

The consequence of the rear extension as proposed would be that this would breach the line of curtilage shown on drawing 1968-02 and as such would have a negative impact on the openness of the Green Belt, contrary to Policy LP57 and paragraph 142 of the Framework.

Summary

In summary, the proposals would be detrimental to the amenity and privacy of 4 Whitley Willows as well as causing conflict with established green belt policy.

In its current form the application should be refused.

Yours sincerely