

To: Kirklees Planning

I refer to planning application number 2024/62/90342/W. I was surprised to hear of this application given that the applicant's earlier application 2023/62/93205W received planning approval on 9 January 2024.

The plans for this new application appear identical in almost every respect to the previous application, save for the provision of (corrected) 'existing and proposed site/block layout' plans. Neighbour representations for the earlier application clearly said the location plans were incorrect, that the property did not sit on that footprint, but instead directly overlooked neighbouring property. The planning approval for the earlier application and its accompanying delegated report informs us that the applicant's representatives engaged in informal discussions with Kirklees prior to the grant of permission and submitted new drawings on 5 January 2024 to replace the proposed 'picture' window with mullioned windows. It seems odd, given the plan error had been pointed out that new (correct) site and block layout plans were not submitted concurrently.

As we have seen, planning approval was granted for the applicant's first application and Kirklees said in its delegated 'Development Management' report, (the "**Kirklees Report**") issued almost immediately on 8 January 2024, that the 'comments in relation to the submitted plans are noted, but it is considered that the submitted plans are sufficient and ... it would be unreasonable of the Council to require further plans to be submitted...'. Whilst wondering why no-one noticed the original location plans were incorrect, we also wonder about the reason for the new application? The earlier planning approval says plans may be amended where changes are non-material but if a proposal changes significantly then a new application will be required. We must assume that given the approval states the development must be in 'complete accordance with the plans and specification,' the submission of the correct plan is a 'material change'. Clearly it would be impossible for the proposed extension to be in 'complete accordance with' the incorrect plans originally submitted.

The plans for the new application states there is prior approval, I assume there is some merit in submitting representations, all of which were overruled by Kirklees planning previously. Nevertheless, all earlier representations are made, and I again oppose the application.

In particular, I reiterate the comments contained in the Kirklees Report dated 8 January 2024 where neighbour objections were summarised by Kirklees as follows:

- i) Overlooking of neighbouring properties and loss of privacy;
- ii) imposing, dominating, over-bearing and make for an intimidatory feel when inside and outside neighbouring properties; and
- iii) proposal is inappropriate in proximity, outlook, scale, height, orientation, bulk and the roof terrace in a dominating and commanding position.

I request all these points are considered by Kirklees when considering this new application and refer also to various points in the Kirklees Report which accompanied the earlier approval:

1. **Principle of Development:** Policy LP1 states the objective of 'securing development that improves the economic, social and environmental conditions in the area'. I request that suitable consideration is given to the social and amenity conditions of neighbours if this application receives approval. Kirklees said 'the [earlier] application could be acceptable, subject to assessment of impacts on visual and residential amenity'.

2. **Visual Amenity:** The Kirklees Report states, in relation to the earlier application, that the extension would retain a minimum separation distance from any boundaries or curtilage of approximately 3 metres from any shared boundary. The newly submitted plans make it obvious this is not the case and the minimum separation distance on the correct plans is significantly smaller, such that the extension would be almost at the boundary with a direct view over and into neighbouring properties.
 - The Kirklees Report quotes the House Extensions and Alterations SPD which says balconies and roof terraces should be 'positioned and screened if required, so that they do not overlook neighbouring homes or gardens'. The earlier Kirklees Report says the 'proposed roof terrace would be located to the elevation facing the private amenity space of the host property'. The plans submitted with this new application confirm this is not the case, the roof terrace does not face the private amenity space of the host and would not be shielded by dense hedging. The new plans confirm the proposed extension directly overlooks neighbouring properties.
3. **Impact on Residential Amenity.** The Kirklees Report issued in relation to the earlier application says that, 'alterations..... should maintain appropriate distances between buildings ... and.... minimise impact on residential amenity of future and neighbouring occupiers'. This Kirklees Report quotes Key Design Principles, 3, 4, 5 and 6, which seeks to ensure development does not have a detrimental impact upon privacy of neighbouring properties, cause unacceptable levels of overshadowing or be unacceptably oppressive/overbearing'. In particular, para 5.28 says 'balconies..... should not negatively affect neighbouring properties and should be positioned and screened if required, so that they do not overlook neighbouring homes or gardens'. The Kirklees Report, based on the incorrect plans accompanying the earlier application says there is no undue impact of overbearing or overshadowing. We respectfully ask this interpretation is re-considered for this new application as quite clearly the balcony will overlook both neighbouring homes and gardens and will be overbearing.
 - Turning to the proposed 1.8 metre high obscure glazed privacy screens – the Kirklees Report in relation to the earlier application considered these screens to be sufficient to mitigate any undue impacts of overlooking and a condition was placed on the permission to say they must be in place. Again, I respectfully submit that consideration of the various guidance takes into account that the earlier permission was based on Kirklees' belief the balcony would face in an entirely different direction. Additionally, we ask them to consider that the 'side' of the extension, (which they had previously considered would overlook neighbours and would require a privacy screen), is now, the front view of the balcony. We ask that the same principles apply to this new application; namely a recognition that the front of the balcony and mullion window would directly overlook neighbouring properties. The grouped plans and elevations suggests the front screen would be low and likely constructed from clear glass and thus would, in our view, be insufficient to avoid 'undue harm to residential amenity in terms of loss of privacy or overlooking, or the creation of an overbearing effect' as outlined in Chapter 12 of the NPPF, LP24, the Kirklees Local Plan and Key Design Principles or the Council's adopted House Extensions and Alterations SPD.
 - The Kirklees Report and the planning approval issued on 8 January 2024, (in relation to the earlier application) required 1.8m obscure glazed privacy screens on both side elevations, to be retained thereafter. The reason for this was to prevent overlooking to neighbouring properties. If permission should be granted, despite these representations, we request the privacy screens should apply to all sides of the balcony to accord with Kirklees' earlier findings, namely an acceptance by Kirklees that the side elevations did overlook and invade

privacy. As I have said above, the newly submitted location plans, which correctly shows the position of the applicant property within its plot, confirms the balcony front will directly overlook.

This new application reiterates the applicant's previous position that to 'deny the availability of the views would be incredibly unfair'. This respondent believes original planning consent for the applicant property respected neighbour privacy by avoiding overlooking. The proposed boundary and screening provisions within this new application are inadequate and not appropriate for neighbour privacy. I ask therefore, that this new application is refused.

Thank you again for providing the opportunity to comment.