



Supporting Planning Statement

Proposed detached dwelling on land off
Occupation Road, Birkby, Huddersfield, HD2
2ES

Date: Feb 24

Reference: TP2323

1.0 Introduction

- 1.1 This Supporting Planning Statement has been prepared by **D5 Town Planning Consultants** on the instructions of Northlight Architects. It describes the proposed development and analysis appropriate local and national planning policies.

2.0 Application Site

- 2.1 The application site is an elongated rectangular piece of land to the north of Birkby Road, and to the rear of residential properties on Prince's View and Harefield Park (to the west). The character of the surrounding area is residential. The proposed site plan is below.



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3.0 Relevant Planning History

3.1 2001/91361–Erection of two detached dwellings with detached garages–Refused.

□2001/92801–Erection of 2 detached dwellings and detached garages–Approved.

□2002/93523–Erection of detached dwelling–Approved.

□2020/94292–Erection of detached dwelling–Refused on 12/3/2021.

This most recent residential application at the site was refused on the following grounds:

1. *“The proposed development, by virtue its siting on a constrained site, as well as its contrived and incongruous layout and design, would fail to sympathetically relate to existing development within the locality and would appear as a visual intrusion within this location, detrimental to the visual amenities and overall character of the area. The proposal is therefore contrary to Policy LP24 (a) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.*

2. *The proposed dwelling, by virtue of the close proximity of the proposed first floor window and rooflights to the neighbouring properties of No’s. 3 and 5 Birchroyd Close and No’s. 2 and 3 Prince’s View, would cause detrimental harm to these neighbouring properties in terms of loss of privacy and overlooking. In addition, the close relationship with these properties would result in the proposed dwelling having an unsatisfactory level of privacy, thereby harming the living conditions of the future occupants of the proposed property. Therefore,*

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the proposal would fail to provide a high standard of amenity for occupants of both the existing and proposed dwellings, contrary to Policy LP24 (b) of the Kirklees Local Plan Chapter 12 of the National Planning Policy Framework.

□ 2021/21410—Pre application for 3 detached dwellings at Land at Occupation Road, off Birkby Road, Birkby, Huddersfield, HD2 2ES.

In relation to this pre-application advice request the following was concluded by the Local Planning Authority:

“Unfortunately, should a planning application for residential development at the site be submitted, Officers would be unlikely to support it. In relation to the submission, I hold the view that the proposed development, by virtue of its siting on a constrained site and its contrived and incongruous layout and design, would fail to sympathetically relate to existing development within the locality and would appear as a visual intrusion within this location, detrimental to the visual amenities and overall character of the area. The proposal would fail to reinforce or enhance local distinctiveness. The proposal is therefore considered contrary to Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework, as well as Principles 2, 5 and 15 of the Housebuilders Design Guide SPD. Further to this, I am of the opinion that the proposed dwellings, by virtue of their siting in close proximity to neighbouring rear gardens and the overall scale of the dwellings, would potentially unduly overbear a number of these gardens, contrary to Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework, as well as Principle 6 of the Housebuilders Design Guide SPD. Given the contrived nature of the site, I consider it is unlikely that a suitable layout could be achieved for residential development which would

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which would sympathetically integrate with surrounding built development.”

- 2023/20059 - Pre-application enquiry for one dwelling – Response on the 20 March 2023. The following are the concluding comments on the enquiry.

Conclusion

Unfortunately, should a planning application for residential development at the site be submitted, Officers would be unlikely to support it.

The proposed development would be visible from the public domain, and it is considered that it would appear as a cramped and contrived form of standalone development on what is a tight plot, which would fail to sympathetically integrate with existing development in the locality. It is therefore considered that it would be an incongruous addition within the streetscene, thereby causing detrimental harm to the visual amenities and character of the area. The proposal is therefore considered contrary to Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework, as well as Principles 2, 5 and 15 of the Housebuilders Design Guide SPD.

Further to this, I have concerns that the proposed dwelling could cause undue harm to No.3 Birchroyd Close in terms of overlooking given the close proximity of the first floor windows to No.3's rear garden and because the rear elevation of the proposed dwelling angles towards this neighbouring garden. Given the siting of the dwelling within very close proximity to the rear garden of No.1 Birchroyd Close, I also have concerns that the proposal could unduly overbear the rear garden No.1.

Given the contrived nature of the site, I consider it is unlikely that a suitable layout could be achieved for residential development which would sympathetically integrate with surrounding built development.

Despite what is noted above, should an application be submitted, the matters of residential amenity and highways safety will also need to be given consideration along with other matters, including biodiversity, trees, drainage and climate change.

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4.0 Relevant Planning Policy

4.1 The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019). The site is unallocated within the Kirklees Local Plan 2019.

- LP1–Presumption in favour of sustainable development
- LP2–Place shaping
- LP3–Location of new development
- LP7–Efficient and effective use of land and buildings
- LP11–Housing Mix and Affordable Housing
- LP20–Sustainable travel
- LP21–Highways and access
- LP22–Parking
- LP24–Design
- LP28–Drainage
- LP30–Biodiversity and geodiversity
- LP33–Trees
- LP43–Waste management hierarchy
- LP51–Protection and improvement of local air quality
- LP52–Protection and improvement of environmental quality.

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National Planning Policy and Guidance

- 4.2 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.
- 4.3 The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. Most specifically in this instance, the below chapters are of most relevance:
- Chapter 2 – Achieving sustainable development
 - Chapter 5 – Delivering a sufficient supply of homes
 - Chapter 9 – Promoting sustainable transport
 - Chapter 11 – Making effective use of land
 - Chapter 12 – Achieving well-designed and beautiful places

5.0 Planning Consideration

- 5.1 As a starting point it is worth noting that planning permission has previously been granted for development on site of 2no. detached dwellings, with detached garages, in 2001 and for a single dwelling in 2002. Whilst we appreciate that these unimplemented permissions were granted under a previous development plan, the Kirklees Unitary Development Plan, we do not believe that the adoption of the Kirklees Local Plan in 2019 represents such a radical change in matters of principle for the redevelopment of the site, nor has the character and appearance of the area changed significantly since those decisions.

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Comments regarding the layout being contrived are disingenuous.

- 5.2 Notwithstanding the negative Officer comments on the 2020 pre-application enquiry, that was for 3no. dwellings, and the pre-application enquiry in respect of one dwelling in 2023, the application needs to be judged on its own planning merits. This and the reasons for refusal of an earlier application for a single dwelling have been fully taken on board and carefully considered in the proposed application. It should not be pre-judged by comments on earlier development schemes for the site.
- 5.3 The proposed layout plans show that there would be primary windows to either side boundary. Windows on the eastern side elevation would be obscure and non-opening and serve the en-suite, bathroom and utility room.



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- 5.4 The building would have its front elevation facing Birkby Road, in keeping with dwellings on the opposite side of the road.



- 5.5 The below artist's impressions show how the scale, form and materials will be compatible with the scale and mix of development in the immediate area.



Artist's Impression - Front Elevation



Artist's Impression - Rear Elevation

- 5.6 Single plots fronting Birkby Road are not uncommon in the locality. The fact it sits between two adjoining culs de sac does not result in a negative impact in the streetscene. As said above, the scale form and external materials are compatible with the surrounding area. With this in mind, we are also mindful of the scale and external appearance of the approved dwelling at nearby 2a Inglewood Avenue that occupies a prominent position on Birkby Road. We don't see it as a negative but
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as evidence of the variety of form and design of residential properties in the locality.

- 5.7 It is therefore considered that the proposed dwelling would not be an incongruous addition within the streetscene. The proposal is therefore considered to comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework, as well as Principles 2, 5 and 15 of the Housebuilders Design Guide SPD.
- 5.8 Turning to concerns regarding any impact on the living conditions of the occupiers of nos. 1 and 3 Birchroyd Close, no overlooking will occur due to the design and location of windows as mentioned above. Furthermore, appropriate boundary treatment will further assist in mitigating any impact on these occupiers.

6.0 Conclusion

- 6.1 For the reasons outlined above, a dwelling can be adequately accommodated on the site without causing undue harm to the character and appearance of the area or harm to the living conditions of neighbouring occupiers. Whilst it is only for one dwelling, it would assist in delivering much needed housing in the district where the Council are currently not meeting housing need set out in the Local Plan.
- 6.2 It would also make use of unused land within a housing area. This would accord with LP7 and Chapter 11 of the NPPF where decision makers are required to make effective use of land.
- 6.3 We trust that, notwithstanding earlier negative assessments, Officers will see that previous concerns have been addressed in this submission and determine the application positively.

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