

Jade3 Architecture Ltd

Job reference:

Address:

Date: 12-4-2024

Extra notes: **Covering letter to object against the proposal at Occupation Road, off Birkby Road, Birkby, Huddersfield (Application reference 2024/90461).**

Jade3 has been asked by our client who lives at no5 Birchroyd Close to object against the above application. As you are already aware, many objections had been raised in the past and similar application was refused. This fresh application is similar to the previous proposal and had not addressed any of the past concerns.

The following are some more reasons to justify further refusal. Reasons for refusal are as follows:

Past planning approval

Our client has Planning ref no2021/62/92301/W was granted on 12-1-2022 for erection of one dwelling, demolition of existing dwelling and associated works was not taken into account (although not yet implement, but the decision is still active). Therefore the proposal should respect this. The current proposed plan also showed the existing layout of no5 Birchroyd Close which had not considered no5 Birchroyd Close new build option in future. Therefore it will prejudice our clients future opportunities for their new build. They are intending to start the new build soon.

Nearby development that was both refused by planning and appeal

Application reference No: 2018/93326 was refused on 7-6-2019 and appeal dismissed on 3-2-2020 for the demolition of existing dwelling and erection of 5 detached dwellings with garages at Corby, Birkby Road, Birkby, Huddersfield

Reason for Refusal

1. By virtue of its density combined with the scale and mass of the proposed dwellings and their layout within the site, the proposal would result in an incongruous and cramped form of development which would fail to integrate with the existing built environment or to reflect the pattern of development in its immediate surroundings. It is therefore deemed to represent poor design and the proposal would represent an overdevelopment of the site.

The development would unduly detract from the character of the surrounding area and cause harm to visual amenity, contrary to Policy LP24(a) of the

Kirklees Local Plan as well as guidance within Chapter 12 of the National Planning Policy Framework.

2. The proposed layout, due to a combination of the proximity of dwellings to the south western (rear) boundary, their mass and scale, would result in an overbearing impact upon properties and their rear gardens adjacent to the site on Inglewood Avenue. This would also result in a poor standard of amenity for future occupiers.

As such, the proposals would be harmful to residential amenity and contrary to Policy LP 24(b) of the Kirklees Local Plan as well as the aims of Chapter 12 of the National Planning Policy Framework, which seeks to, amongst other things, ensure that developments function well and provides a suitable standard of amenity for existing and future residents.

Therefore, on a similar note, the land off Occupation Road is by far more inferior that that at Corby and as a result, all the relevant reasons for refusal has already been mapped out as above. The scale and mass of the proposal and their layout at Occupation Road being closed to the site boundary would result in an incongruous and cramped form of development which would fail to integrate with the existing built environment or to reflect the pattern of development in its immediate surroundings. It would result in an overbearing impact upon no1 Birchroyd Close on their rear gardens. This would cause poor standard of residential amenity and represented poor design.

Character of the Area.

The application site comprised a long and narrow strip with an unadopted track road serving Woodview Farm at the top end. There are substantial large detached houses with rear gardens on Birkby Road, Harefield Park and on Birchroyd Close already present surrounding and bounding the proposed application site.

The proposal is for a 4 bedroom detached house and sited directly right against the site boundary. The planning decisions should ensure that any new developments are sympathetic to local character, including the surrounding built environment and landscape and preserves its character and setting. Currently, their layout fails to meet these Kirklees local plan aspirations.

Privacy of Neighbours.

The proposal had not considered the impact on privacy issues to the rear of Birchroyd Close houses, especially to no1 Birchroyd Close. The master bedroom is fully glazed and corner views through onto Birchroyd Close rear garden would affect privacy. Therefore fails to respect the adopted policy.

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Proposal superimposed onto ordnance survey (see separate attachment)

Kirklees Local Plan Strategy and Policies (Adopted 27 February 2019) Policy LP24 deals with design.

Part LP24(a) stated that it required proposals to promote good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape; but also that those aspects are enhanced. The proposal fails to meet this adopted policy.

Part LP24(b) stated that they provided a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings and the creation of development-free buffer zones between housing and employment uses incorporating means of screening where necessary. The proposal fails to adhere to this adopted policy.

Part LP24 (i) stated the retention of valuable or important trees and where appropriate the planting of new trees and other landscaping to maximise visual amenity and environmental benefits. The proposal fails to meet this adopted policy.

Part LP33 stated that the Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity. Proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment, including the Wildlife Habitat Network and green infrastructure networks. Again the siting fails this adopted policy.

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Layout and Design.

The proposal is akin to an 'L' shaped long and narrow building form that is sited directly against the site boundary which are rear garden of properties along Birchroyd Close. The siting is not sympathetic especially to no1 Birchroyd Close as massive blank walls (albeit a few windows present but likely to be frosted glass) directly against their site boundary which will provide an oppressive view. The large proposed building wall is directly against the rear gardens of no1 Birchroyd Close, due to its closeness will affect the existing roots of the hedges and therefore they will not survive. The hedges belonged to No1 Birchroyd Close and should the hedges be perished, then their proposed large bulk of building wall would be visually unsightly and cause the loss of views which would be oppressive.

Track Road resurfaced

The former track road is to be resurfaced to a new adoptable road standards and leads to a long road with turning head facility at the end. A large driveway forecourt is proposed which is capable of parking more than 4-6 cars. There is also a double garage proposed with a further provision of 2 car spaces inside. Therefore this would increase the frequency of traffic and creates noise and air pollution to the adjacent neighbours.

The double garage does not need to be sited in this location. The garage door access could face the new adoptable road and therefore no need for driveway forecourt. The garage could also be designed as integral to the main house and therefore avoid another building or a long new resurfaced road.

There are already vehicular access into properties off Birkby Road as precedent and therefore the garage could have been located at the front and avoid the need to resurface the track road?

There is a remaining rear garden left at the end of the turning head that appeared to be strategically laid out so that it may form a future development plot. Therefore this site plan is attempt to deceive the planner.

As such, the proposal contravenes with Policy Part LP24(b) which requires a high standard of amenity for future occupiers which has not been complied with.

Impact on Trees.

Tree Preservation Order lies immediately adjacent to the existing track road at the access from Birkby Road. Drainage may affect their roots during the construction due to the substantial large building walling and its foundation structure. The existing track road will be resurfacing forming an adoptable standard may cause harm to their roots, therefore contrary to Local Plan Policy LP24(i) and LP33.

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Due to the close proximity of the siting against the existing hedges and some remaining trees, their roots will certainly be damaged by the digging for foundations and the hedges and trees will likely die. Should this be the case, then privacy issues would be exacerbated and visual harm would be caused to the rear residents.

There are a few existing mature trees on the left hand side at the site entrance and likely also to be damaged by movements of large delivery trucks during construction phase. The site was previously covered with some matured trees but was cut down before the last planning application was submitted and subsequently refused. Again, this was tactical so that the past application did not need to deal with tree issues.

Therefore new planting should be provided but would affect the size of the proposal but will also take time to mature. There is no landscaping proposed along the site boundary and again in conflict with Local Plan Policy LP24(a) and LP24(i).

The existing tree as shown into no5 Birchroyd Close is incorrectly positioned. If you compared against the Google Map, the site of tree canopy spread is larger and also appeared to be closed into the application site. Please double check the actual position.

Construction phase.

Since the siting is directly against the site boundary, it had not allow space for scaffoldings during construction phase. Therefore a party wall agreement would be needed but unlikely that the rear residents will co-operate as a result of the poor siting. The current siting also prejudices the rear neighbours along Birchroyd Close from future extension opportunities since the proposal is sited close proximity against their rear site boundary.

CONCLUSION.

The reasons have been highlighted above to refuse this planning application.

Prepared by

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for and on behalf of Jade3 Architecture Limited