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Planning Development

By Email Only

1st July 2024

Kirklees Planning Services
Development Control

FAO Tom Hunt

RE: OBJECTION AGAINST ERECTION OF DETACHED DWELLING AT LAND ADJ. 4 DOWNING STREET, LINTHWAITE, HUDDERSFIELD, HD7 5PU

LPA REF: 2024/90932

Dear Sir,

Robert Halstead Chartered Surveyors and Town Planners have been instructed to submit an objection letter to Kirklees Council on behalf of the owner of the land to the west of No. 4 Downing Street. Our client is concerned that the proposed development would have a detrimental impact on his extant planning permission and would also be unacceptable with regard to visual and residential amenity. These matters will form the focus of this objection.

It is also important to note from the outset that an application for the erection of one detached dwelling on the application site was previously refused and later dismissed at appeal (LPA ref: 2011/92453). The Council refused the application on three grounds. In summary, the grounds for refusal were:

- 1) The dwelling would not integrate well with, or complement the neighbouring dwellings due to its orientation, scale and design on a restricted sized plot. It would be out of keeping with the character of Downing Street.
- 2) The dwelling by virtue of its scale and position, would be overbearing on the occupants of No. 2 Downing Street.
- 3) The development would be detrimental to highway safety due to vehicles having to undertake reversing manoeuvres and the loss of off-street parking for No. 4.

The Inspector of the appeal went on to conclude the following:

'There is no obvious dwelling plot between numbers 4 and 2 Downing Street and the proposed dwelling would appear squashed in between the two dwellings. It would unacceptably reduce the feeling of spaciousness about the dwellings, which is an important characteristic of the development as a whole

... It is my overall conclusion that the scheme represents an unsatisfactory form of development that would not function well, and which would unacceptably reduce the quality of the area. ¹

Extant Planning Permission

In August 2015 our client submitted a Section 73 application for the variation of condition 10 (garage) on previous planning permission 2014/93040 for erection of detached dwelling (modified proposal) (LPA ref: 2015/92561) relating to land directly west of No. 4 Downing Street. Our client's application, which included a turning head on the land subject to this application (Appendix A), was approved on 26th October 2015. There were no pre-commencement conditions on the decision notice.

Prior to the approval of our client's planning application, he submitted a Building Regulations application (ref 2015/01483), the plans of which were passed on 16th October 2015 (Appendix B). Following approval of both the planning application and the building regulations application, our client proceeded to start work on the site by laying down the drains (Appendix C). A drains laid inspection was completed by Building Control and found to be satisfactory on 17th November 2017 (Appendix D).

Section 55 (1) of The Town and Country Planning Act 1990 states that,

"development," means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land. For the purposes of this Act "building operations" includes – (d) 'other operations normally undertaken by a person carrying on business as a builder.'

Section 56 (1) of The Town and Country Planning Act 1990 states that,

'development of land shall be taken to be initiated – (a) if the development consists of the carrying out of operations, at the time when those operations are begun.' Subsection (4) states that such material operations include: *(d) the laying of any underground main or pipe to the foundations, or part of the foundations of a building.'*

The applicant's Design and Access Statement states that an application, also for a detached dwelling, was approved in 2018 but that that application has now lapsed (LPA ref: 2018/91970). Although this is correct, our client's application in 2015, however, is considered to have been lawfully started through the *'laying down of any underground main or pipe to the foundations, or part of the foundations of a building.'* In our client's case, the drains have been laid down following the approval of the 2015 application and therefore the permission remains extant. It is very much our client's intention to complete the development in the not too distant future.

Condition 7 on our client's 2015 approval states the following:

'The turning facilities for the hereby approved and existing dwelling (no. 4 Downing Street) shall be provided in accordance with the approved site layout ref: 4229 – 03 -01 prior to the occupation of the hereby approved dwelling. The turning facilities shall thereafter be made available for use at all times by vehicles and shall be kept free from obstruction to such use.'

Although the turning head has been included on the plans submitted as part of this application, our client is concerned that the proposed development would nevertheless have a detrimental impact on his extant planning permission, in particular his ability to comply with condition 7 above.

¹ Appeal APP/Z4718/A/12/2177255 paragraphs 3 & 6

The original intention for the turning head in our client's application was that it would be located on land that is away from the neighbouring dwellings and away from residents private off-street parking. The proposed development by contrast now incorporates the turning head within the application site for the proposed dwelling. Vehicular access over the turning head would therefore be required for future occupants to enter/exit the plot. The proposals would therefore conflict with our client's development quite significantly.

It is considered highly unlikely that the new owners of the proposed dwelling would be content with having an area of their domestic curtilage being given over to the turning head, particularly as any future occupiers are likely to want to use this land for their own ancillary domestic purposes. As a result, there are no guarantees that the turning head would be available for use at all times or kept clear of obstructions. In addition, future occupiers of the dwelling are likely to view the turning head as an intrusion on their privacy and a source of annoyance. This again, puts the longevity of the turning head at risk, with direct consequences for our client's development.

Given the above, it is considered that approval of the proposed development would be inappropriate as it would conflict with our client's approved development which has been materially started.

Impact on visual and residential amenity

Local Plan Policy LP24 states:

'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, heritage assets and landscape;*
- b. They provide a high standard of amenity for future and neighbouring occupiers.'*

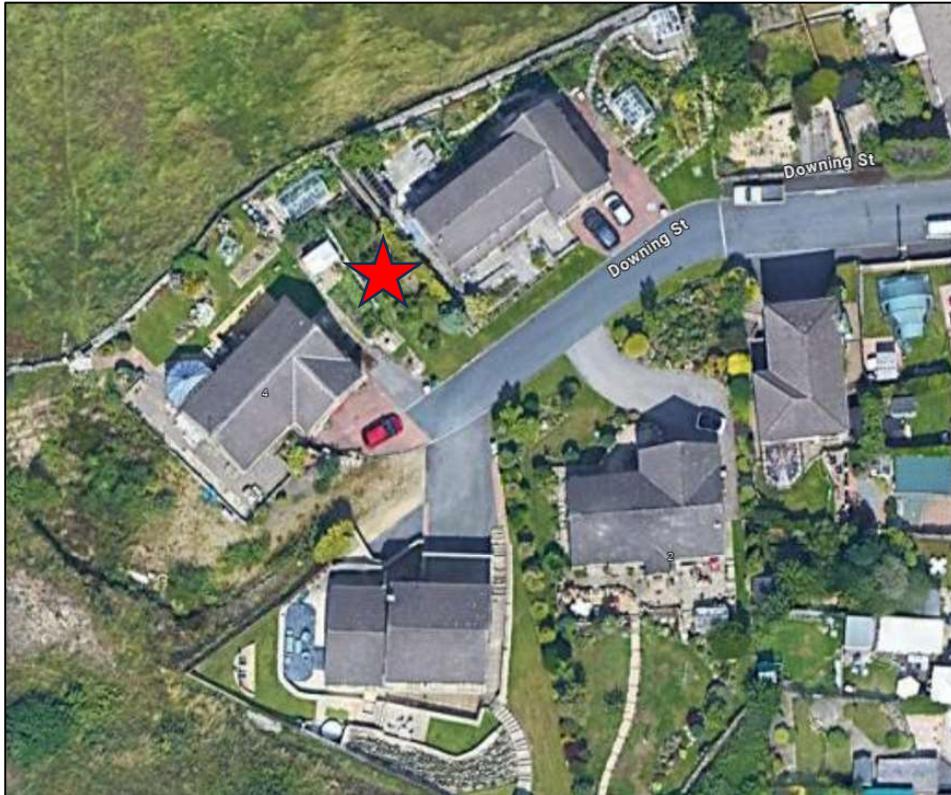
Paragraph 135 in the NPPF also sets out the various design objectives, including the need to ensure that developments: function well and add to the overall quality of the area; are visually attractive; are sympathetic to local character and history; establish or maintain a strong sense of place; and create places with a high standard of amenity for existing and future users.

The Kirklees Housebuilders Design Guide SPD also sets out what the Council considers to be good, high-quality residential design through a number of principles. However, it is considered that the proposed development does not comply with the following principles in the SPD for the following reasons:

Principle 2 – Context

'New residential development proposals will be expected to respect and enhance the local character of the area by: 1) Taking cues from the natural and built environment; and 2) creating a positive and coherent identity.'

Downing Street is a small cul-de-sac comprising of relatively large two and three-storey detached properties. The properties, of which there are five in total, are located on good-sized plots with a reasonable amount of private amenity space afforded to each plot. The street contains no pavements, with each plot extending right up to the public highway. As such, there are no boundary treatments along the street frontage. The character of the cul-de-sac could therefore be described as having an open and spacious feel.



Google Aerial Image of Downing Street (red star denotes application site)

The proposed dwelling would be located on land which currently forms part of the side garden area belonging to No. 4 Downing Street. The proposed plot is therefore small in scale and as such, the proposed development would fail to respect or enhance the established low density and spacious character of the existing urban grain in this locality. The proposals would, in effect, try and squeeze a new dwelling onto an area of garden land that was not originally envisaged or planned for when the existing dwellings were first designed and constructed in the 1980's.²

As mentioned previously, an application for the erection of one detached dwelling has already been refused and dismissed at appeal on the same site (LPA ref: 2011/92453).

Like the 2011 application, the proposed development would be completely out of keeping with the character and appearance of the street scene and would result in a cramped and overdeveloped site. Furthermore, the loss of the existing garden area belonging to No. 4 would cause an imbalance between the natural and built environment. The proposals do not therefore accord with Principle 2 in the SPD.

Principle 6 – Maintaining high standards of residential amenity

'Residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.'

Paragraph 7.19 in the SPD goes onto state that:

² The 'quart into a pint pot' scenario.

'For two storey houses typical minimum separation distances are advised: for a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metres distance from the side wall of the new dwelling to a shared boundary.'

As a result of the applicant trying to squeeze a new dwelling onto a small plot, the recommended separation distance of 2 metres to the shared boundaries has not been complied with. The proposed plans show that only a gap of 1 metre is achieved between No. 4 and the new dwelling, and only a gap of approximately 1.2 metres can be achieved between No. 2 and the new dwelling. Due to the close proximity of the proposed dwelling to the neighbouring dwellings, the proposals would have an overbearing and overshadowing impact, particularly on No. 2 as this property is located at a slightly lower level. The proposals would therefore cause undue harm to residential amenity and do not accord with Principle 6 in the SPD.

Principle 12 – Parking

'Where car parking is included within the curtilage of a dwelling, creative design solutions should ensure that car parking can be accommodated at the side of buildings or to their rear to avoid dominating the street scene.'

Paragraph 7.15 (relating to Principle 5) also states:

'Building frontages that are dominated by hard landscaping and car parking that is within each plot and fronting onto the street should be avoided as this can result in dull and vehicular dominated streetscapes.'

The proposed Ground Floor Plan shows two off-street parking spaces at the front of the proposed dwelling. These are in addition to the turning head. The proposals would therefore result in the front of the dwelling being almost entirely dominated by hardstanding. Due to the cramped nature of the application site, however, it is not considered that 'creative design solutions' could accommodate the parking at either the side or rear of the proposed dwelling as an alternative. The proposals would therefore have a detrimental impact on visual amenity in this regard and do not comply with Principle 12 in the SPD.

Principles 13, 14 & 15 – Materials and detailing, Windows and Doors & Rooflines

The proposed dwelling comprises of a two-storey property constructed of coursed stone with timber boarding. The front elevation includes a protruding gable and extensive glazing, and the roof of the dwelling currently shows a 'cat slide' style roof.

Although the coursed stone and protruding front gable are design features associated with the neighbouring properties, the timber boarding, double height glazing on the front elevation, and the 'cat slide' roof are considered to be out of context and not in keeping with the existing character of the street and neighbouring properties. Given the siting of the proposed dwelling between No's 2 and 4, and its close proximity to these neighbouring properties, the proposed dwelling would result in an incoherent design that doesn't relate well to the adjacent dwellings or the street scene as a whole.

Given the above, the proposed development is not considered to be acceptable as it would cause undue harm to visual amenity in respect of the established character of Downing Street and it would be of detriment to residential amenity in terms of loss of light and outlook for adjacent occupants. It is considered that the proposals do not comply with Local Plan Policy LP24, paragraph 135 in the NPPF or Principles 2, 6, 12, 13, 14 and 15 in the Kirklees Housebuilders Design Guide SPD.

Other Matters

Downing Street is a private drive which currently serves five dwellings. Paragraph 3.15 in the Kirklees Highways Design Guide states that:

'New development serving more than five dwellings (or any existing private road which will serve more than five dwellings after completion of new development) should be laid out to an adoptable standard and be able to be offered for adoption.'

In order for roads to meet adoptable standards, the carriageway width should measure 5.5m and hard margins should be provided. The proposed development would increase the number of dwellings on Downing Street to six, but it is questionable as to whether Downing Street meets adoptable standards in its current condition.

Our client strongly objects to the proposed development for the reasons outlined above. It is therefore respectfully requested that the Council refuse this application.

Yours faithfully,