

## DCAdmin

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**From:**  
**Sent:** 13 August 2024 10:14  
**To:** Katie Chew; DCAdmin  
**Cc:**  
**Subject:** Fwd: Objection to planning application number 2024/91834

**CAUTION:** External email. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

We emailed our objection to the planning application number 2024/91834 last week (forwarded via this email for your information), but it is not shown on Kirklees portal. Please acknowledge that you have received our objection.

Thanks

----- Forwarded message -----

**From:**  
**Date:** Fri, Aug 9, 2024 at 4:17 PM  
**Subject:** Objection to planning application number 2024/91834  
**To:** DCAdmin <[dc.admin@kirklees.gov.uk](mailto:dc.admin@kirklees.gov.uk)>, Katie Chew <[katie.chew@kirklees.gov.uk](mailto:katie.chew@kirklees.gov.uk)>

Dear Sir/Madam,

I write to you in connection with the planning application 2024/91834 for the demolition of no.382 bungalow and erection of a large detached house on the site of 382 Bradley Road, Bradley, HD2 1PU. As a neighbour to the site of the development, the proposed development will have a substantial detrimental impact on our property, standard of living, and residential amenity. We strongly object to the proposed development. Our specific objections are as follows:

### **Detrimental Impact on visual amenity**

*Paragraph 11.11 of Kirklees Local Plan Strategy and Policies states ‘the scale of development should relate to neighbouring development and the street/public open space adjacent to the building. Consideration should be given to views, vistas and skylines. The layout of development should take into account the street pattern in the locality and the size of blocks and plots.’*

*Policy LP24 (a) of the Local Plan states ‘proposals should promote good design, ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape.’*

*Principle 2 of Housebuilders Design Guide SPD states 'residential development proposals will be expected to respect and enhance the local character of the area by: Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.'*

*Paragraph 7.18 of Housebuilders Design Guide SPD states 'Space between buildings can also make a positive contribution to local character and street scenes. Normally new build developments should seek appropriate separation distances for servicing, accommodating future adaptations and creating attractive street scenes. These should be in keeping with the character and context of the site and proportionate to scale of the dwellings '*

*The National Planning Policy Framework (NPPF) states 'planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.'*

The proposed dwelling by virtue of its scale, size, height, design, form, and shape would not relate to adjacent properties, open space adjacent to the buildings, not sympathetic with the form and character of the adjacent neighbours, and appears incongruous to adjacent properties.

The proposed build would substantially diminish the current open space between the adjacent buildings, distance to boundary, views, vistas and skylines resulting in a bulky, overcrowded development on site which clearly be noticeable to the detriment of the character of the local area and would be in contravention of policies LP1, LP2, LP11, LP24 (a) of Kirklees Local Plan, Principles 2, 5, and 6 of the Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework.

### **Detrimental Impact on residential amenity**

*Policy LP24 (b) states 'proposals should provide a high standard amenity for future and neighbouring occupiers, including maintaining appropriate distances for between buildings.'*

*Policy LP24 (c) states 'proposals should minimise impact on residential amenity of future and neighbouring occupiers.'*

*Paragraph 11.11 of Kirklees Local Plan Strategy and Policies states 'the scale of development should relate to neighbouring development and the street/public open space adjacent to the building.'*

*Principle 6 of the House Builders Design Guide states '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 7.18 of Housebuilders Design Guide SPD states 'space between buildings can help maximise residential amenity in terms of maintaining privacy, reducing overlooking and ensuring natural light is able to penetrate buildings. '*

*Principle 6 of House Extensions and Alterations SPD states 'Extensions and alterations should not unduly reduce the outlook from neighbouring property.'*

*Paragraph 135 of National Planning Policy Framework states 'planning decisions should ensure that developments have a high standard of amenity for existing and future users.'*

### **Overbearing**

Currently, there is an open vista, ample distance, height and size coherence between the existing bungalow at number 382 and our property

The proposed development would replace the existing dwelling at no.382 with a much taller and larger property which would have a significant increase in height, width, and depth, therefore significantly diminishing the open vista and distance to shared boundary.

The proposed dwelling will be ~7m higher than our property. Furthermore, the new property will be ~1m from the boundary unlike the current distance of 3.75 -2.5m. In addition, the building will be extended to the rear by 6m~7m beyond the rear evaluation of our house adding further bulk to the property. Our property is on lower ground and this will dwarf and over dominate our property.

By reason of its height, scale, massing, the position of the proposed development within the application site, and close proximity to the boundary, it would have a significant overbearing, oppressive impact on our property and our residential amenity.

### **Overlooking and loss of privacy**

In pre-application advice, Officers requested changes which included obscure glazed windows should be provided on the eastern and western elevations to protect the residential amenity of neighbouring properties. Despite the requested change, the proposed build large (~1.9mX3m) side and first floor windows still will overlook our front, rear gardens, and rear habitat room at close quarters.

It is surprising and rather disappointing to see Officers report for previous application stating "*any views taken from the rear windows of the new dwelling would have oblique views and would not directly overlook, it would be considered unreasonable to recommend refusal based on the above reasons.*". As far as we could ascertain, there is no stipulation in any of Kirklees planning policies that overlooking must be direct. Whether overlooking is direct, indirect, intentional, unintentional, without eye movements or with eye movements, it is very obvious that the occupants of the proposed build will be able to overlook our front, rear gardens, and rear habitat room at close quarters via the very large side and first floor windows.

Overlooking maybe a common relationship in certain residential areas, but not common where our property is located. Our property is located between two bungalows, we have a private rear garden, and rear habitant rooms which are not overlooked by adjacent neighbours. Privacy is one of the main reasons we chose to buy our house and we don't think it is acceptable or justifiable to take away the current privacy we have.

The proposed development will deprive us of the current privacy we have, we believe this is a direct contravention of the Human Rights Act, in particular Protocol 1, Article 1, and Article 8.

We urge Kirklees Council to consider her responsibilities under the Human Rights Act, policy LP24 (b), Principle 6 of House Builders Design Guide in ensuring our current privacy is maintained and prevent overlooking of our private amenity space.

### **Detrimental impacts on outlook of habitable rooms**

The height of the proposed development is considerably higher than existing no.382 bungalow and our property, it is also significantly extended 6m~7m to the rear, way beyond the footprint of the existing bungalow and our property footprint.

The rear extension would block natural light, sunlight to habitable rooms, and has a harmful impact on the outlook from our habitant rooms. The proposed development would deprive us of our current outlook and would have a significant and detrimental impact on our amenity and outlook.

To illustrate the detrimental impact on our amenity and outlook

## Impact on highway safety

Whilst the submitted plan shows a hypothetical setting of parking space for 3 cars. What is the assurance that there will only be a maximum of 3 cars? The proposed build is 5 beds (with option of 8 beds) dwelling, we believe this would mean there will be more than 3 cars and there is insufficient parking space within the site to accommodate them. This would undoubtedly lead to on street parking and parking on the grass verge outside, impeding neighbours' sight line onto Bradley Road (a very busy 40 mph speed limit road), making it far more difficult and dangerous for neighbours to enter Bradley Road to the detriment of neighbours' amenity. The proposal would fail to accord with policy LP22 of the Kirklees Local Plan with respect to highway safety and advice in Chapter 12 of the National Planning Policy Framework.

## Noise and pollution

The Proposed development by its size, number of occupants, and vehicles would raise the noise levels far above the current acceptable level to the detriment of neighbours.

*The applicant stated "The height and massing of the house have been designed to be considerate of neighbouring properties."*

The proposed building is more than twice the height of our property and it would dwarf our property. The applicant is using no.384 height as basis to justify this enormous dwelling, but disregarding our small property and detrimental impact it would have on our property. Furthermore, there is a distance of ~4.5m between the no.384 two-storey section and shared boundary with the existing bungalow that sits on no.382 site, compared to the proposed build of ~1m distance to the shared boundary.

*The applicant stated "The new building footprint and massing have been changed to address the reasons for refusal of previous application. The rear single-story extension has reduced on the east side. This should reduce the impact to the massing to ."*

As shown below, the proposed build footprint and massing have not changed. The rear single-storey extension has actually been increased compared to previous application and not reduced as stated by the applicant. The removal of a corner from the rear extension does not reduce the impact on our property. In fact, it introduces an incongruent section which is out of harmony with the form and character of the adjacent neighbours'.

*The applicant stated "Consideration should also be made that garage will be demolished."*

The current garage on no.382 site is out of way (~4.5 m away from rear elevation), ~2m tall and not intrusive as opposed to the proposed towering and overbearing build.

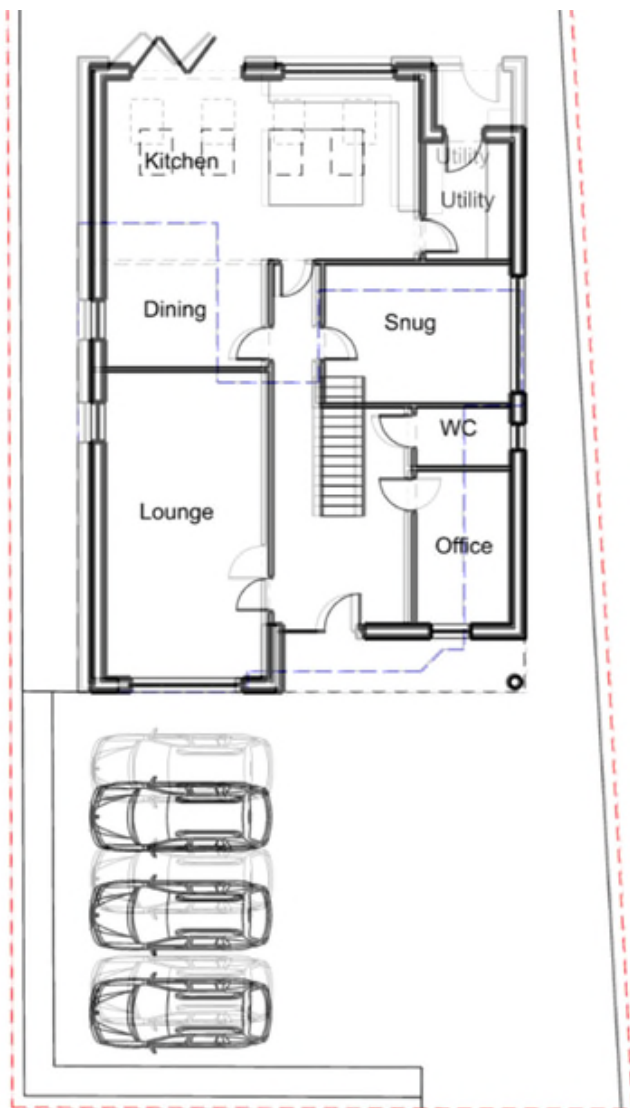
*The applicant stated "The first floor to the rear has been reduced to align with the existing house footprint".*

Proposed dwelling's first floor does not align with the existing no.382 footprint. There are errors in perimeter, footprint of no.382 bungalow and dimensions shown on 'Block plan-1048029 and plan in the DAS' submitted by the applicant (for details, please see previous emails sent on 26/7/2024 to the Case Officer). Furthermore, no scale or measurements are included for plan in DAS'. What is illustrated on 'Block plan-1048029 and plan in the DAS' do not correspond to the ones on site. Therefore the current plans do not provide confidence that the proposed build can be achieved on site no.382.

The images of the houses on Bradley Road provided by the applicant clearly illustrate there is plenty of space (space to park a car/van) between adjacent houses and none of the images show a towering, overbearing build in a very close proximity to a small bungalow such as the proposed build.

The neighbour's outhouse and shed which are pointed out in their exhibits are no more than a ~2 m high, which are also not in proximity of any habitable rooms and not intrusive, as opposed to the proposed build.

Below superimposed of plans for this application and previous refused application (2023/93544) demonstrates that the difference between this application and previous one is virtually unnoticeable and do not address case-officers' reasons for refusal of previous application and our objections.



Superimposed layout plans of previous application and this application

There are no economic, social or environmental reasons for this application to be approved. The proposed development would have a significant detrimental impact on our property, standard of living, and residential amenity by reasons listed above. To permit such a development would be contrary to Kirklees LP24 (a), (b), (c), Principle 6 of the Council's adopted Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

We would be grateful to you to take our reasons into consideration and refuse permission for this development. Many thanks for your time and consideration.

We wish our details and address to be kept anonymous and not published on your website.

Kind regards