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Job reference: 2021 enquiry 09

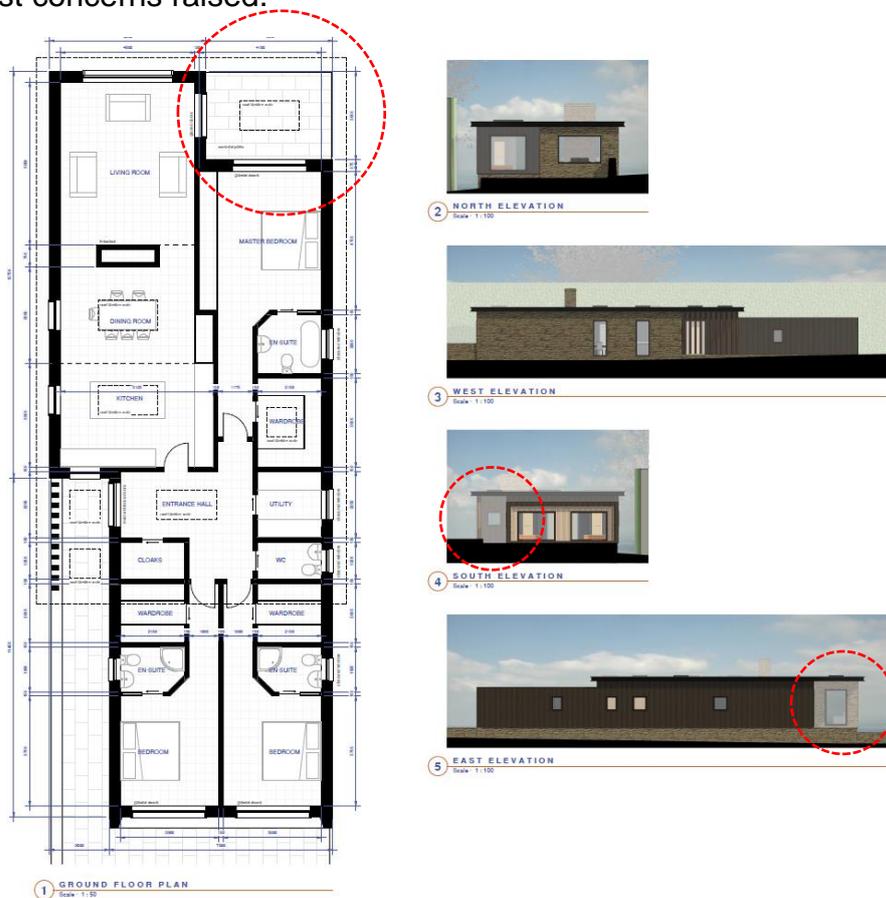
Address: 5, Birchroyd Close
Birkby
Huddersfield

Date: 23-10-2024 with updates 25-10-2024

Extra notes: **Covering letter**

to object against the proposal for a single storey bungalow at Occupation Road, off Birkby Road, Birkby, Huddersfield (Application reference 2024/92647/FUL).

Jade3 has been asked by our client who lives at no5 Birchroyd Close, and 3 other adjacent residents at no1 and no3 Birchroyd Close and the rear Woodview Farm combined to object against the above application. As you are already aware, many objections had been raised in the past and similar applications was refused. This fresh application is similar to the previous refusal and had not addressed any of the past concerns raised.



Current proposals showing the plan and elevations

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Current proposals

The existing access road has been widened with a turning head facility immediately at the front of the site. A detached flat roof double garage has been proposed and directly sited adjacent to the site boundary that will impact on no1 Birchroyd Close rear garden. The roots will be damaged due to its closeness to the existing hedges. 2no parking spaces proposed at the front of the doubled garage which do not appear to have adequate space for manoeuvring the cars onto the new access road. The doubled garage is separated with a small garden and start of the single storey flat roof bungalow proposal.

Again the bungalow is sited directly onto the site boundary, similarly it will impact on no3 and no5 Birchroyd Close rear garden. Again the roots will be damaged due to the closeness to the existing hedges. The small patio at the lounge corner is shown directly adjacent to the site boundary where the privacy will be compromised on no5 Birchroyd Close rear garden. All the ensuites are located along the rear boundary are to have frosted glass.

Most of all, the siting does not accord to the area and the architecture with flat roof can be considered making an effort to reduce the massing visually but is not sympathetic to the area.

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). However, we believe our client should be starting the works within the next few weeks.

Therefore the proposal should respect this 'live' permission. 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. Had their proposal showed our client as approved site layout, then it will highlight what impact it will have on our client's proposal. Therefore it will prejudice our clients future opportunities for their new build.

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 and used as an example as reasons to refusal.

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Excerpts of the reason for Refusal on the application no2018/93326

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 than that land at Corby and as a result, all the relevant reasons as mentioned above for refusal had already been mapped out.

Although the scale and massing of the current proposal at Occupation Road maybe a single storey bungalow with a flat roof, it is sited too close to the site boundary. The architecture maybe modern but it is out of character to the area which 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. There is no building line or accord with the use of traditional building materials that are within the vicinity. It would result in an overbearing impact upon our clients rear gardens and the adjacent neighbours. 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 of land 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

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Close already present surrounding and bounding the proposed application site. The 3 bedroom detached single storey bungalow is 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 with landscape buffer and preserves its character and setting of the surrounding areas. 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 detached houses, especially to no5 Birchroyd Close. The lounge is fully glazed and corner views through into no5 Birchroyd Close rear garden would affect our clients privacy. Therefore their siting fails to respect the adopted policy.



Proposal superimposed onto ordnance survey and the rear tree is a lot closer to the boundary and the branches spread is a lot bigger than shown

As can be seen from the superimposed site plan, had their siting took consideration to our clients already approved plan then they could have appreciate the visual impact that will be caused which is unacceptable.

**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

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character of the townscape, heritage assets and landscape; but also that those aspects are enhanced. Their 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. Their 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. Their 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 their siting fails this adopted policy.

Layout and Design.

The proposal is akin to a long shaped 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 a blank doubled garage wall directly against their site boundary which will provide an oppressive view despite being a flat roof massing.

The large proposed long bungalow wall is directly against the rear gardens of no3 and no5 Birchroyd Close, due to its closeness will affect the existing roots of the hedges and therefore they may not survive. The hedges belonged to all of Birchroyd Close residents and should the hedges be perished, then their proposed large bulk of building walls 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 front. A driveway forecourt is proposed 2no car parking spaces. As can be seen on their drawings, there is inadequate space for the 2no cars directly outside the doubled garage to manoeuvre onto the new access road. There is also a doubled garage proposed with a further provision of 2 car spaces inside. Therefore this would increase the frequency of

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traffic and creates noise and air pollution to the closeness to the adjacent rear neighbours.

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 off Birkby Road. Drainage may affect their roots during the construction due to delivery trucks. Their plan showed that the existing track road will need to be resurfaced forming an adoptable standard but may cause harm the TPO roots, therefore contrary to Local Plan Policy LP24(i) and LP33.

Due to the widening of the new access road against the existing hedges and some remaining TPO trees, their roots will certainly be damaged by the digging for road widening 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.

The existing tree located in the rear garden of 5 Birchroyd Close adjacent to the boundary and hedge between our clients house is closer to the site boundary and hedge than indicated on the submitted plan. In addition to this the spread of the existing tree is also much wider and the tree branches go across the boundary, but their plan does not show this. The bungalow location will affect the tree roots and its growth/survival.

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).

Construction phase.

Since the siting for both the double garage and the bungalow is directly against the site boundary, it had not allowed 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

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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.



Additional comments following new amended drawings as notified by Kirklees Council letter dated 22-10-2024 which was received on 25-10-2024. Same comment applies on the existing rear tree is site closer and also the branches spread is much larger than shown.

Siting

The siting has now been reconfigured and swapped around so that the doubled garage is at the top whilst the bungalow is now relocated towards the front. Similarly, the earlier comments still stands.

However, this time, the impact have been diverted to no1 and no3 Birchroyd Close rather than on our clients site. Although the detached doubled garage is still sited close to the site boundary and as mentioned, the existing tree actual location at the rear garden is much closer and the branches spread is also much larger than shown. Based on this, the double garage siting is not acceptable. The length of the access road has also been extended. In the past we have mentioned that the land beyond appeared to be another future plot so this approach is another ploy to distract the planners attention.

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Now that the new siting of the bungalow at the front will impact visually to no1 Birchroyd Close more significantly and the corner patio from the lounge will have privacy issues onto no3 Birchroyd Close, all incongruous and do not adhere with Kirklees local plan or national planning policies.

Therefore, please take these objections into considerations and refuse the application on behalf of all the immediate residents.

Prepared by