

Planning Application 2024/93144 402 Birkby Road

We object to this planning application on the following grounds:

1. Overdevelopment
 2. Residential and Visual Amenity
 3. Site Access
- 1. Over development**

Recent building on this site

There is a history of planning applications and developments relating to this property, which are very important to consider, as altogether they show a significant intensification of building on this already subdivided plot.

402 was built in what was originally the garden of the neighbouring property 408. Permission was granted in 2004 (2004/91771) to build a 4 bedroomed 2 storey detached house and attached double garage with a room above. What was actually built was a larger 7 bedroomed house over 3 storeys. The footprint was similar to the approved plans but the house was of greater bulk and height. This was acknowledged by planners in the planning report for application 2018/90978, but it was too long after the event to take any action. As a 'garden grab', all permitted development rights have been removed.

Since March 2018, when the property was sold to the current owners, it has been the subject of 8 planning applications. The first application was for a detached quadruple garage at the south eastern corner of the plot adjacent to Birkby Road; a double storey extension at the rear of the existing attached garage; and a single storey extension at the rear of the property. However, planning officers advised the applicant that this would be unacceptable as outlined in the officer's delegated report on application 2018/90978:

10.5 Urban design issues

"The proposal as originally submitted contained the following two elements that have now been deleted – a two-storey extension behind the existing garage (replaced by a front extension on Revision A); a large detached garage near the south-western corner of the site. **These were removed from the scheme on the advice of the case officer because of the impact they would have had on visual and residential amenity**"

Revised plans were submitted, omitting the quadruple garage and the extension at the rear of the existing garage as this was too close to 408, the nearest neighbouring house. Instead, a double storey extension at the south west corner of the property was approved and, following an appeal, a single storey extension at the rear of the property was also built. These new plans are for a large extension behind the garage, which was unacceptable to officers in 2018 and should still be unacceptable today.

Footprint

Full consideration must be given to what has already been added to this subdivided plot and what has already been approved.

In 2019 and 2020, a number of iterations of the detached garage adjacent to Birkby Road were submitted and refused by the planners and by the independent appeal process. However, a garage set down below the garden level with a sloped entrance and a slightly lower flat roof, was approved in December 2020. This was not built within 3 years, but a renewed application was recently approved in September 2024. Only 6 weeks later, in this current application, it is implied that the garage, which has just been approved, will not be built if this current application for the garage extension

is approved. Should this latest application be approved, there is nothing to stop the applicant building the separate garage as well. We understand that an approved application cannot be withdrawn or revoked except under specific circumstances. Therefore, when considering the plans, the stand alone garage, must be considered and given significant weight even though it has not yet been built.

The design statement says:

"The footprint of the proposed extension is comparable to that approved, so the current scheme cannot be considered as over-development. In any case, the proposed footprint will still only represent 30% of the overall site area."

Building density is more than the percentage of land covered. It includes the bulk, height and scale of those buildings too. The house was built larger than it should have been with an additional storey and then a double and a single storey extension added. Plans for a large garage are approved. Another extension will only add to the footprint and the overall size and bulk of a very large house on a subdivided plot. The proposed extension is much bulkier than the approved garage 2024/92022. The footprint is 10% larger and the total volume is 40% larger than that which has been approved.

A footprint ratio of 30% is completely out of kilter with other houses on the lane. 408 is 17%, 404 is 16%, 406 is 12% and 400 is 6.3%. This information was provided by the planning department in the delegated report in September 2018.

In his description of the existing buildings, the officer's delegated report in 2018 stated

"it would appear that no 402 is the most densely built up plot in terms of house size to plot size ratio, but only very marginally more so than no. 408".

Following the building of both the double storey and single storey extensions, the ratio for the built plot of 402 is already substantially more than 408, and that is before the addition of the proposed extension which, as the applicant says, will increase the ratio to 30%. This is nearly double that of the adjoining property and significantly more than other houses in the area. When the already approved garage is also built, this will result in a ratio of around 40%. One garage has already been approved increasing the building density to 30%, so there should be no more planning applications approved for this site, therefore this current application should be refused.

Plot sizes, densities and gardens in the area

In approving the 2 extensions in 2019, the officer reasoned that,

"A satisfactory amount of garden space is being kept at the side and rear of the property."

This is no longer the case, the side garden was reduced when the double storey extension was built and, with the addition of the approved garage, there will only be this very small side space remaining. The garden at the rear of the property, behind the existing garage, will virtually disappear. There is only a thin strip of land behind the house itself. This property will not have sufficient amenity space, for a house of this size, and will be totally out of keeping with other houses in the area. Kirklees acknowledges that sufficient amenity space should be available as stated in its policy on extensions.

Kirklees SPD June 2021 House alterations and extensions states under design principles

4.21" Proposals should seek to retain adequate and useable private outdoor space for the occupiers of the building, such as garden space, paved or patio areas. Proposals which would result in outdoor space which are too small or significantly out of character with the local area are unlikely to be acceptable."

Regarding rear extensions, 5.3, states that 'a back garden of a reasonable size should be preserved'.

There are examples of other developments in the immediate area which have been refused for their cramped nature and appearance which were not in keeping with the characteristics of the area.

In 2019, application 2018/93326 to erect of 5 detached dwellings with garages Corby, Birkby Road, Birkby, close to 402 was refused as it:

“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.” “the proposal would represent an overdevelopment of the site.” And

“The immediately surrounding area is predominantly characterised by low to medium density, relatively modern, residential development of large, two storey, detached properties set back from the highways within large plots”

A subsequent appeal was dismissed in December 2019.

The drawn plans and descriptions submitted

The plans submitted to support this application are much less comprehensive than those supporting previous applications. They merely sketch the outline of the proposals. It is not clear whether the plans show the space around the house as currently exist or whether they have taken into account the area of garden which will be used for the Birkby Road junction changes. The plan has the label ‘garden’ behind the house. This is not garden, but a thin strip of land in front of the leylandii hedge which forms the boundary with the church. The plans and the labelling give the impression of more space around the property than actually exists.

In summary this plot is already overdeveloped, and adding more to this site will result in over intensification, especially when considered in the context of the properties along the lane and also in the character of the area. The proposed extension does not comply with Kirklees’s own SPD on extensions and rear extensions. Therefore, we urge Kirklees to refuse this application.

2. Residential and visual amenity

The most recent application is for a single storey extension with pitched roof to the existing double garage at the rear of the property.

When it was built in 2004, 402 was constructed closer to 408 than any of the other houses on the lane are to each other. This was allowed because the applicant was seeking to build a house in their own garden, so there were unlikely to be any objections. The existing garage is less obtrusive

The proposed development would mean there would be a large stone wall and pitched roof for the entire outlook and it would impinge significantly and would not be in keeping with all of the other properties along the private lane. It is unthinkable that even new properties on estates would have a large high blank wall with a pitched roof directly facing the front of a house.

The design statement states:

“The distance to the nearest external house wall to the neighbouring property (408) is in excess of 12.0m, so space around dwellings guidelines are complied with.”

Although this is the minimum acceptable distance between windows of habitable rooms and non habitable rooms, these distances should have regard to the character of the original house, local context and topography of the site.

There are no other houses in the immediate area that are as close together as is being proposed. The previous owner of 402 built it in the garden of the house next door (408) where he was living at the time. He was hardly going to raise an objection to the house he was building. This context should be taken into account when considering this application.

The Kirklees SPD June 2021 on House alterations and extensions states

Overall, they should provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings.

Para 4 Key Design Principles states

Extensions and alterations to residential properties should be in keeping with the appearance scale design and local character of the area

4.8 A reasonable amount of space should be provided around new extensions in the interests of the amenity of future residents

4.21 Proposals should seek to retain adequate and useable private outdoor space for the occupiers of the building, such as garden space, paved or patio areas. Proposals which would result in outdoor space which are too small or significantly out of character with the local area, are unlikely to be acceptable.

The proposed plans for 402 do not accord with any of these design principles and do not have any regard for the character of the area, the visual amenity of the neighbouring house which was built over 100 years ago and was the first property to be built on the lane. 402 will not have adequate outdoor amenity space.

We urge Kirklees to consider all aspects of visual and residential amenity and refuse this application.

3. Site Access

The access to the proposed build site is via a privately owned lane. 402 has an extremely large electric sliding gate, but deliveries are not permitted to access the property. According to the occupants, it is because there is not enough room for vehicles to turn round. Supermarket delivery vehicles and parcel delivery vehicles have to park in the lane. During all of their previous building projects (double and single storey extensions and large 7.6m wide gate), delivery vehicles have unloaded from the lane, thereby blocking it entirely. This is not acceptable as access and egress from the residential properties further along the lane should not be encumbered unreasonably. During the previous building works, deliveries have taken up to half an hour, completely blocking the lane leading to missed medical appointments for some residents.

For these reasons, we strongly urge Kirklees to refuse this application.