



74 Watt Lane  
SHEFFIELD  
S105RE

P25-009\_KirkleesCouncil\_20012025\_LetterofObjection\_ReplacementDwelling\_Brayside\_71CoachRoad\_HD22NW

20<sup>th</sup> January 2025

**BY EMAIL**

Planning Services  
Kirklees Council  
Town Hall, Crossley Street  
HUDDERSFIELD  
HD1 1UJ

For the Attention of Ms Lucy Taylor,

Dear Ms Taylor,

**RE: 2024/62/93359/W – DEMOLITION OF EXISTING DWELLING AND GARAGE AND ERECTION OF DETACHED DWELLING WITH DETACHED GARAGE - BRAYSIDE, 71 COACH ROAD, COWCLIFFE, HUDDERSFIELD, HD2 2NW – MR AND MRS HOLLINGDRAKE**

My client of the neighbouring property at 9 Fixby Park Drive who has instructed me to prepare and submit these representations to the applicant's planning application proposals and to represent them in this matter.

Whilst we appreciate your efforts in attempting to address expressed concerns to date, there remain a number of unresolved concerns that must be addressed before the application is determined by the Council.

Given these continued shortcomings in Mr and Mrs Hollingdrake's planning application submission, my client requests that these representations / objections are considered in the Council's determination of the application proposals. They also reserve the right to make further representations in response to any future additional information submitted on behalf of the applicant.

**The Application Proposals – Identified Shortcomings**

Following careful consideration of the planning application proposals, my clients are concerned that the scheme has failed to take proper account of the relationship between the proposed development and their neighbouring dwelling at 9 Fixby Park Drive.

The applicant proposes the construction of a replacement dwelling directly behind and due south of my client's dwelling at 9 Fixby Park Drive.

Having visited the site it is readily apparent that several issues must be resolved before the application can be determined.

The applicant's application submission confirms that the proposed northern elevation of the dwelling, which would be directly due south of the southern elevation of my client's property, will be both taller and wider than the existing dwelling it would replace.

The neighbouring dwelling at 9 Fixby Park Drive has a ground floor conservatory / lounge window in its southern elevation which is just 1.4 metres from the boundary and aspects directly due south towards the proposed replacement dwelling. Nonetheless, no detailed assessment has been carried out by the applicants to demonstrate that the proposed development will not impact adversely on the daylight available to habitable rooms in the south elevation of the dwelling at 9 Fixby Park Drive.

We have severe reservations over rights of light to 9 Fixby Park Drive, which has neither been considered nor addressed to date. This is not acceptable. We respectfully request that the applicant is asked to undertake a full and objective study to prove there will be no impact / injury on the right to light to neighbouring properties at 9 Fixby Park Drive as a result of the proposed development. We believe it is likely that proper evaluation and assessment of these and other important site constraints will demonstrate that the site is inadequate to accommodate development of the scale, height and massing presently proposed.

Given the proximity of the proposed development to neighbouring properties and its scale, form and orientation, it is vital that we ensure that the application proposals will not reduce unacceptably available daylight to openings to habitable rooms or have an overbearing impact on neighbouring properties.

The submitted plans also suggest that boundary fencing of even height will be erected around most of the common boundaries between these neighbours regardless of the impact that these would have on the outlook presently enjoyed by residents or on the character and appearance of the area. Presently common boundaries between properties, particularly between buildings and the road frontage are defined by low walling and garden planting rather than tall fences.

We respectfully request that as the case officer you make time to visit my clients' properties to see how they relate to the application site and the proposed development.

The extensive excavation required to facilitate the development is also a concern both given the need to remove a substantial volume of excavated material by HGV movements to from the site with associated disturbance and also due to the potential for the works to disrupt groundwater drainage. All of this should also be addressed in the context of the application rather than being left to chance as is presently the case.

As you can see, there are still far too many unresolved issues that remain to be addressed which is both worrying and surprising since the application seeks full planning permission for the proposed development.



The Council's Kirklees Local Plan Strategy and Policies (Adopted 27<sup>th</sup> February 2019) Policy LP24 Design, and national planning policy contained in the National Planning Policy Framework – NPPF (December 2024), both require planning application proposals to respect the amenities of neighbouring properties and be properly evaluated and justified to ensure that proposed developments can be accommodated without unacceptable environmental and health impacts.

Principles 2, 5 and 15 of the Housebuilders Design Guide SPD (June 2021) require new development to be sympathetic to the character of existing development and to safeguard residential amenity of neighbouring properties. The application proposals fail to achieve these requirements and are in direct conflict with the requirements of the both the development plan and national planning policy.

The aforementioned development plan policies are broadly in line with government policy contained in the NPPF (December 2024), which states at paragraph 135 f) that decisions should ensure developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. NPPF paragraph 139 of the NPPF goes on to confirm that, *'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.'*

The planning application submission, as presently described, remains to demonstrate how it respects neighbouring residential properties on Fixby Park Drive, and due to potential adverse impacts that the application proposals will have on the amenities presently enjoyed by my client's neighbouring property it cannot represent an unacceptable form of development.

In the absence of further details, the application proposal to erect a detached two-storey apartment building on the site represents an unwarranted overdevelopment that would, by virtue of its location, scale, form, height and massing, be unduly dominant and overbearing in its impact on neighbouring dwellings at 9 Fixby Park Drive.

The development as presently described fails to respect the location, form, orientation and amenities of neighbouring dwelling at 9 Fixby Park Drive and is therefore contrary to policy LP24 (Design) of the Kirklees Local Plan, to the principles contained in the Council's Housebuilders Design Guide SPD; and paragraphs 135 f) and 139 of the National Planning Policy Framework (December 2024).

## **Conclusion**

Until the remaining shortcomings identified in these representations have been addressed neither my clients nor the local planning authority, can be assured that the application proposals represent an acceptable form of development that will neither impact adversely upon the character and appearance of this established residential area nor on the residential amenities presently enjoyed by my client (the owner and occupant of 9 Fixby Park Drive).

The application proposals as presently submitted are contrary to the requirements of local planning policies contained in the development plan and are also at odds with national planning policy contained in the National Planning Policy Framework. In these circumstances, we respectfully invite the Council to either request further details and information from the applicant or refuse planning permission for the application proposals.

Please acknowledge safe receipt of these representations, confirm that they will be made available for public view on both the planning application file and the website, and do not proceed to determine the application until the applicant has been invited to address the required details requested therein.

Yours sincerely