

17 March 2019

Kirklees Planning
Investment & Regeneration Service
PO Box B93
Civic Centre 3
Off Market Street
Huddersfield
HD1 2JR

Dear Sirs

Re: **Application number 2019/90269** ADJ, 93 STOCKSBANK ROAD MIRFIELD
WF14 9QB ERECTION OF DETACHED DWELLING AND ASSOCIATED SITE
WORKS

Further to your letters dated 4 February and 21 February 2019.

We wish register our **objection** to this Planning application.

Comments on the Planning Application 23 January 2019

Item 4 Site Area. The site area square meterage is noted as 394m². We believe that this figure is inaccurate as the boundary with 1 Ford Drive was altered and the site plan does not show this change.

Item 5 Description of the Proposed Works. The description of the proposed works is totally inaccurate as it was for the previous application not the works as now indicated on the current drawings and the Design and Access statement. We are disappointed that the original description of the proposal was incorrect and was only amended by letter on 21 February 2019.

Item 10 Trees and Hedges. This section asks if there are any trees and hedges on site which could influence the development. The tick box indicates not, however the Design and Access statement repeatedly mentions the boundary hedge to 1 Ford Drive and the cherry tree being retained in order to ensure compliance with the Planning Inspector's report. This tree and hedge are crucial to the application.

Item 13 Foul Sewerage. We are concerned that the applicant has not properly considered the disposal of foul sewerage / surface water at this stage.

Comments on the Design and Access Statement

Context

The previous application 2017/62/934470/E was refused at the Planning Committee meeting on 29/01/18. This decision was disputed by the applicant and was again refused by the Planning Inspectorate on 13/08/18.

Access

Whilst we are unhappy with the access to the site etc. it is understood that Highways have now approved the current parking and access to the proposed site. We feel that insufficient attention has been paid to the congested nature of the junction of Nab Lane with Stocks Bank Road being on a main bus route and accessing the local primary school.

Appearance

Whilst the documentation refers to a bungalow the new property is in fact a two storey building and will appear as such from Stocks Bank Road.

It is unclear what is intended by the proposed boundary treatment referred to in this part of the Design and Access Statement.

Layout

We are concerned about the inconsistencies in the various parts of the proposal.

There are inconsistencies between the various plans supplied for the project such as roof lights on the former garage area on some plans and not others. The living room window to the rear is shown as a door and as a window.

Scale

When viewed from Stocks Bank Road the new property will almost fill the entire width of the plot with less than minimum spaces at each side. This scale of building was previously rejected by both the Planning Committee and the Planning Inspector due to its overbearing nature.

Whilst the original site of no. 93 has been divided into two almost equal halves, by inspection of the site plans it can be seen that the footprint of the proposed new building is larger than that of the existing house no. 93. The footprint of the proposed new building is also 25% larger than that previously proposed for the 2 storey house which was turned down for over-development of the site by the Planning Committee, and this decision was upheld by the Planning Inspector

In an attempt to justify the size of the new development the applicant has created a table comparing the building and overall plot areas of each of the neighbouring properties.

From the table of plot sizes etc. for each adjacent property, there is no evidence to indicate where these dimensions have been taken from, or their accuracy. Nor does the comparison table show what is actually included. If this table is to become part

of the Planning consideration, we would like this to be clarified. However, we believe that comparisons of this kind are irrelevant when the new development has to stand or fall on its own. It should also be noted that Ford Drive properties and 93a comprise an open-plan development.

However if this table is to be considered then we comment as follows,

- At 93a the roadway of Ford Drive where it crosses the curtilage of 93a is owned, and is part of, the site of 93a. All the residents of Ford Drive have a right of way across this land. Therefore this ground area of the road way should be included in the calculations of the total ground area for no. 93a, but this does not seem to be the case from the figures provided.
- The boundary between the proposed building and 1 Ford Drive has changed, following the purchase of some land from a previous owner of no. 93 over 30 years ago. The site plan does not appear to show this reduction of the total ground area the plot for no. 93 and the larger plot size for no. 1 Ford Drive which will affect the calculations in the table.
- The boundary line (as drawn) on the site plans between 1 Ford Drive and the proposed plot is incorrect.
- References to the developed area of no 97 are irrelevant to this particular project and should not be included, otherwise each property along the length of Stocks Bank Road could be brought into the discussion. The development of the new plot has to stand on its own merits.

Whilst the structure of the existing garage is to be reused it should be noted that having an uninhabited garage near to our home is one thing, a new house is a totally different matter.

The distance window to window of the rear bedroom of the proposed building to the existing 1st floor window on the gable of 1 Ford Drive is measured off as 17.129m which is below the recommended BE12 distance of 21m for occupied rooms. Whilst this is at an angle between the windows with the window at 1 Ford Drive being at first floor level, it will be possible to look down in part on to the window in the proposed building. In the summer months some screening may be provided by the cherry tree if it remains in situ.

Whilst we note that it is intended in the statement to retain the existing now 2m high conifer hedge, what legal enforceable guarantee is there that this will be retained and also maintained at this height by the applicant or by other owners in the future. It should also be noted that the ground level of the sloping site for the proposed new dwelling steps down with a retaining wall about 1m away from the line of the hedge and fence facing 1 Ford Drive. This is not clearly indicated on the drawings and

cannot be seen on site by visual inspection from Ford Drive, but only from within the garden of the proposed new plot.

It is also noted that it is intended in the statement to retain the existing, now approximately 5m high cherry tree; what legal enforceable guarantee is there that this will be retained and also maintained at least at this height in the future by the applicant or by subsequent owners?

The statement mentions that there are to be no habitable room windows in the rear elevation of the existing garage structure which is being used to form the main living area of the new house. Whilst this is in accordance with the Planning Inspector's comments, can this requirement be guaranteed and enforceable that no windows or constructions e.g. conservatory, raised ground level, decking, reduction of boundary height and so on, can be installed in the future by the applicant or by future owners?

Comments on Further points demonstrated via the drawings and notes

It is noted that the front of the former garage area is to be extended some 2.3m further forward towards Stocks Bank Road. As the extended garage is at an angle with the site boundary to no.93a, is the minimum distance to this site boundary, which is understood to be 1.5m, being achieved?

Should the development be approved, can permitted development rights be restricted so that in the future no new windows can be added to the rear wall of the garage facing 1 Ford Drive, also so that a conservatory or similar extension cannot be added in a similar location. That any factors which may affect the amenity of any of the neighbouring properties as well as 1 Ford Drive, can also be so restricted.

Naturally the Applicant being the current owner of no. 93 has no objections to the new development, but we are concerned about the amenity of no. 93 being affected by the closeness of the boundary and the massing of the proposed property which is insensitive to the residential amenity of the established house. In order to achieve the possibility of a new building, it appears that an existing ground floor window in the side wall of no. 93 will have to be obscured.

The proposed property will occupy virtually the full width of the plot of land, leaving only a 1.4m gap between no. 93 and the proposed new build. There also appears to be a roof overhang of no. 93's guttering over the plot of the proposed new dwelling, is such a roof overhang onto neighbouring property allowed within the Planning Regulations?

Should not any Planning regulations / approval take such situations into account to prevent new builds being built under or near the roof overhang of existing buildings? What about minimum distances to boundaries etc.?

The maintenance of the guttering etc. at no. 93 will also be difficult for future owners, as the gap between the new and existing buildings will be small and could create a Health and Safety issue in locating and accessing ladders etc. Surely such Health

and Safety risks should be designed out at this stage as in accordance with the Construction Design and Management (CDM) 2015 Regulations. The Principal Designer for the applicant on this project should be managing such matters on behalf of the applicant. One of the concerns expressed by Councillors at the previous Planning Committee was the closeness of the proposed building to the existing house; this application is even closer.

The drains on Ford Drive are privately maintained, and run within the curtilages of the properties served on Ford Drive itself, (which is an un-adopted road) and run down to, we assume, the main drains in the Dewsbury/Huddersfield Road (A629). The drainage from the new building shall have to go somewhere; we would like to see this matter clarified as we will not allow connection to our private drainage system.

We are therefore against the plans as submitted.

Yours Faithfully