

19 MAR 2019

13th March 2019

Kirklees Planning Service
Civic Centre
PO BOX B93
Huddersfield
HD1 2JR

Dear

RE: Planning Application NO. 2019/62/90501/E Erection of double garage

We wish to make you aware of a number of strong objections that we have with regard to the proposed development. we
are of the view that it will have a serious impact

We have a number of specific objections which are outlined further in this letter, but firstly may we draw your attention to a previous application made in February 2005 (Ref no. 2005/60/90784/E2) by the same applicant for the same proposed development (App.1) Permission for this was refused, with Head of planning Services giving the following reason;

“The access to the site is substandard in terms of construction, width, lack of footways, and lack of turning provision for service vehicles. The access road already serves a number of garages and parking areas and it is considered that a further increase in use would be detrimental to highway safety and contrary to Policies BE1, BE2, and T10 of the Kirklees Unitary Development Plan.” (App. 2)

The applicant subsequently appealed this decision, with Planning Inspector dismissing the appeal on 27th March (APP. 3) for the following reasons;

“The appeal site is part of a private garden to the rear of a terraced block of houses on Cross Park Street. The proposed access would be via a track running to the rear of houses on Wakfield Road and adjacent to the gable end of 1 Cross Park Street. At the point where the

access track meets Cross Park Street the access is narrow such that two vehicles could not pass. The access surface is unmade and potholed and there are no footways. In addition, visibility from the access in both directions onto Cross Park Street is impeded by a brick wall of about 1.8metres to the north and by the boundary wall and railings of 1 Cross Park Street to the south. These visibility splays are significantly below the standards set in the published guidance in '*Places, Streets, 7 Movements – A companion Guide to Design Bulletin 32.*'

"The council contends that Cross Park Street is heavily used by pedestrians, especially school children attending a nearby school and I note this is not contested by the applicant. The track already serves the rear of a number of houses and given the deficiencies which I have identified above I am in no doubt that any increase in traffic using this substandard access would only serve to increase the hazards to drivers seeking to enter and exit the access road and to other road users and pedestrians, I conclude that any increase in the access would be detrimental to road safety."

"I conclude that the proposal would have an adverse effect on road safety and would therefore be contrary to policies BE1, D2 and T10 of the Kirklees Unitary Development Plan., (adopted in 1999) which require that proposals do not prejudice highway safety or add to existing problems and also contrary to policy BE2 which requires new development to be designed so as to achieve a satisfactory access to existing highways."

We are of the opinion that the circumstances and conditions of the road and surrounding area at the proposed site of development still stand today, as do the concerns of Inspector which resulted in the planning permission being refused.

We are aware that the policies quoted in the refusal letter are from the Unitary Development Plan which has now been suspended, however now relate to those outlined in the The Kirklees Local Plan and relate to the current policies;

PLP 24 Design (was BE1 Quality of Design, BE2 Design and D2 Land without notation) in particular:

b. they provide a high standard of amenity for future and neighbouring occupiers;

We believe that the proposed site is a direct contravention of this policy. The site and scale of the proposed development is such that the primary amenity of our

would be compromised with noise and pollution levels raised due to the increase in traffic, with privacy subsequently reduced. The overdevelopment of the site would also impede on the visual impact from

f. the needs of a range of different users are met, including disabled people, older people and families with small children to create accessible and inclusive places

We believe that the proposed development is a direct contravention of this policy. Since the previous refusal,

who now enjoy using the access track at the back of the houses to play together in an accessible and inclusive place. We believe the development of this site would seriously jeopardise this whilst also ^{putting} their safety at risk due to the increase in traffic.

PLP21 Highways and Access (was T10 Highway and accessibility considerations in new development). In particular;

b. in locations where development is otherwise considered acceptable, new infrastructure or improvements on or off site may be required to ensure safe access from the highway network to the development site for pedestrians or disabled people, cyclists, public transport users, and private vehicles which will not materially add to highway safety problems or reduce the efficiency of the highway network

We believe that the proposed site is a direct contravention of this policy. Not only does the access to the proposed site still remain heavily used by pedestrians accessing the nearby park and main road, it is also heavily used by children and young families accessing the nearby infant and high school.

e. take into account the features of surrounding roads and footpaths and provide adequate layout and visibility to allow the development to be accessed safely

We believe that the proposed site is a direct contravention of this policy. The access to the site remains substandard in terms of construction, including potholes with a number of refuse bins lining the path

There is also a lack of footways, and turning provision for service vehicles, with narrow access such that two vehicles could not pass. The access road already serves a number of garages and parking areas to the rear of

the houses on Wakefield Road and it is considered that a further increase in use would be detrimental to the safety and visibility of the current residents of Wakefield Road.

f. take into account access for emergency, service and refuse collection vehicles

We believe that the proposed site is a direct contravention of this policy. As stated above, due to the condition and width of the road, any further traffic allowed access to this track would be of serious concern and potential risk to life in the event of an emergency, with emergency services being unable to gain access to residents on Wakefield Road if required. We have further concerns that use of the proposed site could also cause difficulties in refuse collection and delivery personnel ;

Furthermore, we would also like to draw your attention to the fact that the back road leading to the proposed site is 12 feet wide.

according to HM Land registry own a 6 foot section of it and are charged with the maintenance of this area. '

This is in accordance with our HM Land Registry Property Register (App 4) "Purchaser shall not be entitled to grant any such rights to the public or to any other estate...".

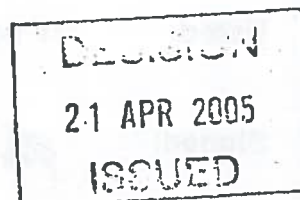
In addition to our objection, we are aware that the current garage on the proposed development site was erected to serve the property of No.4 Cross Park Street yet planning permission on the same site to erect the double garage has been applied for under No. 5 Cross Park Street, which is causing some confusion to as to what land the existing garage belongs to and if this indeed a legal application?

We would be grateful if the council would take our objections into consideration when deciding this application. We would welcome the opportunity to meet with a representative of the planning department at our home to illustrate our objections at first hand.

Sincerely,



Kirklees
METROPOLITAN COUNCIL



Town and Country Planning Act 1990

Town and Country Planning (General Development Procedure) Order 1995

REFUSAL OF PERMISSION FOR DEVELOPMENT

Application Number: 2005/60/90784/E2

To:

For:

In pursuance of its powers under the above-mentioned Act and Order the KIRKLEES METROPOLITAN COUNCIL (hereinafter called "The Council") as Local Planning Authority hereby refuses to permit:-

OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT

At: REAR OF, 1-4, CROSS PARK STREET, EARLSHEATON, DEWSBURY, WF12 8AG

In accordance with the plan(s) and applications submitted to the Council on 28 February 2005. The reasons for the Council's decision to refuse permission for the development are:

- (1) The access to the site is substandard in terms of construction, width, lack of footways, and lack of turning provision for service vehicles. This access road already serves a number of garages and parking areas and it is considered that a further increase in use would be detrimental to highway safety and contrary to Policies BE1, BE2, D2 and T10 of the Kirklees Unitary Development Plan.**

Dated: 18 April 2005

Signed:

Address to which all communications should be sent:

Planning Services, PO Box B93, Civic Centre, Off Market Street, Huddersfield, HD1 2JR

IMPORTANT - YOUR ATTENTION IS DRAWN TO THE NOTES ATTACHED



The Planning Inspectorate

3/11 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

<http://www.planning-inspectorate.gov.uk>

Direct Line 0117-3728160
Switchboard 0117-3728000
Fax No 0117-3728443
GTN -6367

Kirklees Met Council
2nd Floor
Civic Centre 3
Huddersfield
HD1 2TG

Your Ref: 2005/60/90784/E2
Our Ref: APP/Z4718/A/05/1191824
Date: 27 March 2006

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990

I enclose a copy of our Inspector's decision on the above appeal.

The attached leaflet explains the right of appeal to the High Court against the decision and how the documents can be inspected.

If you have any queries relating to the decision please send them to:

Quality Assurance Unit
The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square, Temple Quay
Bristol BS1 6PN

Phone No. 0117 372 8252

Fax No. 0117 372 8139

E-mail: Complaints@pins.gsi.gov.uk

Yours faithfully

Appeal Decision

Site visit made on 16 February 2006

The Planning Inspectorate
4/11 Page Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-
inspectorate.gsi.gov.uk

an Inspector appointed by the First Secretary of State

Date 27 MAR 2006

Appeal Ref: APP/Z4718/A/05/1191824

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by _____ against the decision of Kirklees Metropolitan Council.
- The application Ref 2005/60/90784/E2, dated 28 February 2005, was refused by notice dated 18 April 2005.
- The development proposed is 'outline for residential development'.

Decision

1. For the reasons given below, I dismiss the appeal.

Reasons

2. The planning application that led to this appeal was for outline planning permission. Although the matter of access is to be determined as part of this appeal, all other matters of detail (siting, design, external appearance and landscaping) were reserved for later decisions. In so far as the appeal deals with these reserved matters I shall treat these details as being no more than illustrative of what is proposed.
 3. The appeal site is part of a private garden to the rear of a terraced block of houses on Wakefield Road and adjacent to the gable end of _____. At the point where the access track meets Cross Park Street the access is narrow such that two vehicles could not pass. The access surface is unmade and potholed and there are no footways. In addition visibility from the access in both directions on to _____ is impeded, by a brick wall of about 1.8 metres to the north and by the boundary wall and railings of _____. These visibility splays are significantly below the standards set in published guidance in *'Places, Streets & Movements- A companion guide to Design Bulletin 32'*.
 4. The Council contends that _____ is heavily used by pedestrians, especially school children attending a nearby school and I note this is not contested by the appellant. The track already serves the rear of a number of houses and given the deficiencies which I have identified above I am in no doubt that any increase in traffic using this substandard access would only serve to increase the hazards to drivers seeking to enter and exit the access road and to other road users and pedestrians. I conclude that any increase in the access would be detrimental to road safety.
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5. I am aware that the appellant in his appeal statement has put forward alternative access proposals but these do not form part of the application before me and I must deal with the appeal on the basis of the submitted application.
6. I conclude that the proposal would have an adverse effect on road safety and would therefore be contrary to policies BE1, D2 and T10 of the Kirklees Unitary Development Plan, (adopted in 1999) which require that proposals do not prejudice highway safety or add to existing problems and also contrary to policy BE2 which requires new development to be designed so as to achieve a satisfactory access to existing highways.