

PLANNING APPLICATION – 2020/91092

We would be materially affected by the proposed development. We have submitted initial comments re the Application 2020/91092 to the Planning Dept.

We have viewed the recently submitted Design and Access Statement for this Application and wish to submit our further objections to the development based on this report. Please also refer to our previous comments relating to this Application.

1. Detrimental impact on Visual amenity

There are no dimensions provided in the Application for anyone to enable a professional assessment but based on current drawings there appears to potentially be a severe/serious overdevelopment, in terms of Scale, Height and Density, creating a negative impact with its neighbours in terms of Orientation, Views, Vistas, Skylines and on the local landscape character. The effect on adjoining buildings does not appear to have been considered.

Section 11 'Design' para 11.10 and 11.11 of the Local Plan refers to the prevention of overlooking, loss of privacy and effect on view, vistas and skylines – there appears to be no consideration of these objectives of the Local Plan in the Application.

We would therefore request site wide sections and also 3D perspectives showing the relationship to our home and land as well as all surrounding properties, highlighting particularly the main reception room and bedrooms relationship to our reception rooms and bedrooms?

It is crucial for the application to provide a site section to provide proof the minimum view to view distances both on the horizontal (21m) and incline (24m) and also the view to side distances too?

1a. Proportionality & Overdevelopment

Are the grounds in proportion to the proposed building? There appears to be a relatively small and severe sloping garden and therefore a disproportionately small amount of outdoor space particularly compared with the large plots typically enjoyed by the surrounding properties. We believe that the proposed development does not respect local context and street pattern or, in particular, the scale and proportions of surrounding buildings, and would be entirely out of character of the area to the detriment of the local environment.

The existing planning application 93469 states that the new house would be 'an overdevelopment without the removal of the small existing annex' and therefore the annex is required to be removed prior to occupation. The site area of application 93469 includes the entire site area for this new application 91092 - in other words the site area of application 91092 is a sub-division of application 93469.

If the development as part of application 93469 would have been an overdevelopment on a site area larger than what will remain, assuming 91092 is valid or approved, we cannot see how either application can be compliant for the following reasons:-

1. The existing planning application 93469, if it was on the cusp 'an overdevelopment' (without the removal of the small existing annex), then adding another house, whatever it's size (even annex sized or a very large house like is proposed under application 91092 (called no. 81)) is a compounding and contributing factor to 'over-development' on its own.
2. Even if reason 1 was not persuasive as a factual argument for further overdevelopment, if you did not undertake the adding of a house (number 81), but instead alone reduced its plot size by subdividing it (as is proposed under application 91092) then this too is a compounding and contributing factor to 'over-development' on its own in Application 93469.
3. If reasons 1 or 2 were not persuasive as factual arguments on their own for further overdevelopment, if you undertake 1 and 2 actions together as is proposed under application 91092 (adding of a house (number 81), whilst at the same time reduced the plot size of application 93469, and create a smaller plot by carving off the subdivided land (as is proposed under application 91092)) then there is no possible defence to the argument that both these applications 91092 and 93469 are completely overdeveloped.

Also in addition to the items above, regarding the Design and Access statement we have concerns relating to the 'Scale' of no. 81 (under application 91092).

It is disingenuous to compare no. 81 to no. 69; no. 69a and Sayonara (which are the largest houses in the area and not a fair cross-section of the local houses, neither are these within sight of no. 81) without comparing to 79 and 85/87 which are immediately adjacent to no. 81. There are also issues of unequal comparisons including Orientation and the degree of sloping sites between the two groups of properties.

It is unwise in our view to compare no. 81 to no. 83 as this is classed by the planners as being on the cusp of overdevelopment which only weakens the application. Indeed if the D&A statement is to compare no. 81 to no. 83 in terms of "Scale" and "Amount of Development and Layout" then the proportions of 'house to garden ratio' of no. 83 is proposed to reduce as a result of application 91092; comparing 'house to garden ratio' of no. 83 to no. 81 is not equal in any way and therefore weakening argument for and contributing to the reasons for refusal; by definition, the clients argument for similar "Scale" and proportionality surely means, that if using the 'house to garden ratio' of no. 83, the house at no. 81 should be considerably smaller in size/scale/m2 (maybe half the size) so as not to 'overdevelop' the plot.

We also object to many other things included within the Design and Access statement as well as the proposed drawings of the house at no. 81 but there are too many to go into individually particularly as the lack of dimensions do not allow for an accurate assessment.

We believe that the proposed development is a direct contravention of LP 24 policies a and b. The proposed dwelling would significantly alter the fabric of the area and amount to serious 'cramming' in what is a low density area.

1b. Form, Scale & Height

Form and Scale appears very large based on information available. We consider this a low density area and does not fit with the street pattern. In our view the build site would make property population at this level too dense and negatively affect the sense of space (Massing). We feel this contravenes Policy LP24.

The topography of the site must be considered. There must be a balanced composition which Scale, Density, Massing, Height and Access complements and enhances the locality and that of adjacent development.

There appears there would be a negative impact on Amenity – ie loss of Privacy, overlooking, overshadowing, loss of Woodland, loss of enjoyment of the area for future and neighbouring occupiers. We consider the proposals do not enhance the overall character of the area, rather the opposite.

The decision notice in existing Application 93469 states 'that there is a limited view from the street scene'. According to the Highway Report in Application 91092, the private road leading to both 81 and 83 must be widened for Access purposes which would reduce green screen at this pinch point thus reducing the privacy of both the dwellings to the public.

Application 91092 also indicates the removal of mature bushes/green screen between No 79 and 81 which we feel would adversely affect the visual amenity.

The proposed house location and ridge height will impact severely upon the beautiful view of Castle Hill for existing neighbouring properties, not just our personal view.

Castle Hill is a Listed Monument and is significant to its entire local environment and also has national relevance. **Historic Environment - Policy DLP 35.**

National Planning Policy Framework (paragraph 185) - "any plan should set out a positive strategy for conservation and enjoyment of the historic environment including Heritage Assets" and we believe this includes Castle Hill and views of Castle Hill.

National Planning Policy Framework (paragraph 189) - In our opinion we agree with and vehemently uphold the benefit of all properties to enjoy the views of Castle Hill. (a Listed Monument) . The view we currently enjoy will effectively be completely obscured by this development, and stolen away from us and our enjoyment. We assert our right to maintain such well established views.

Considerations are further highlighted in **Points 3.2 and 11.15 of the Local Plan** - refer to maintaining the distinctive character of Kirklees – This Application potentially affects this by the loss of the view to Castle Hill, and is highlighted in the Kirkburton Parish Council objections.

Relevant references: LP - 2,24,33,35. NPPF paragraphs 122,123,127,185,189.

2. Detrimental impact on Residential amenity

We consider it important that that Residential Amenity of all residents is protected in terms of respect for the character of the surroundings. This should include the appearance and treatment of spaces between and around buildings, and Amenities enjoyed by neighbouring residents. Problems with dominance, loss of privacy, overlooking and loss of light are all potential issues with this proposal. We feel that Application 91092 would negatively affect existing amenities due to problems of Scale, Height, Separation Distance and Mass.

2a. Loss of Privacy, Dominance and Overlooking

We feel the proposal would negatively affect neighbouring residents immediate aspect/ outlook. It would dominate outward views and would appear excessively large and overbearing, particularly in view of the prevailing environment and separation distances in the locality.

We are also concerned about the potential for our property being overlooked, particularly regarding subsequent extensions.

2b. Overshadowing and Loss of Light

Orientation of the proposed property will in our view have a negative impact on our South West facing elevation.

We consider that there may be an issue with our right to light, which may be seriously affected with the proposed development. We request that a 'Sun-Study' including a day light assessment be undertaken to supplement the application to prove/ disprove our concern that a reduction of light would result to both our property and rear garden to allow us to continue to enjoy privacy and direct sunlight throughout the year.

Relevant references: LP24.

3. Negative impact on Highway safety and Access issues for Common End Lane

A private driveway currently supports 3 families ie no 79, 83 and 83a (new dev – 90144) whose current narrow access is onto Common End Lane. The proposed development ie no 81 – 91092 would also use the same driveway. This would significantly add to the vehicle usage on the driveway, Common End lane and Station Rd. See Kirkburton Parish Council objections from Plan List 20-26 April 2020 re Common End Lane/Station Rd. We feel this is contrary to the intentions of LP21.

The Delegated officer report/Decision notice in the previous development 90144 talks about substandard width and alignment – not suited for further residential dev. Modified access would result in appropriate improvements. This was echoed by Kirkburton Parish Council in the Report. Such improvements as envisaged have not taken place which suggests to us that the Planning decision has not been complied with for 2019/90144.

We also note that in Application 91092 that Drawing 101 recently listed and dated 26/6/20 shows a new red line to the boundary up to Common End Lane. Does this constitute a revised access layout? If this is not the case, why not?

Note the Highways Department Consultee Report recently completed for this Application talks about this and that access changes should be made prior to occupation. We feel these changes need to be completed now as we believe that 83a is now occupied. There is very restricted access from Common End Lane currently for wagons/mixers etc, and damage has already occurred to our walls and tree.

Relevant references: LP21, NPPF paragraphs 109 & 110.

4. Ground stability, Drainage & Biodiversity

In spite of an invalid Geographical report which relates to a previous Application 2019/90144 - its conclusion talks about exploration and underpinning of the mining works - were these explorations and also remedies actually carried out?

The report indicates a severe/moderate risk of instability - potentially putting our property at risk, both in terms of our property and drainage pipework to the underground septic tank (LP28). How will this be mitigated?

What is Kirklees policy here re unstable land (LP53), as we are aware of the objections of the Coal Authority relating to this Application.

With 30m deep bore hole investigations and also likely resultant tunnel concreting, we believe that these will impact upon our land and home and other properties, particularly the disruption is likely to be a contravention of the Party Wall Act because to date we have not received any notification under the Party Wall Act.

We have concerns over steepness of the site, notably because it could increase the amount of excavation required. This may require the movement of substrata which could indirectly affect our property/ established trees, neighbouring woodland and other properties.

Does it improve the existing relationship with the landscape? Levels must be taken into account so landscape is not harmed. Also the issue of extensive 'tiering' on site would potentially negatively affect the character of the local area.

Application 93469 states that no 83 'is within a large plot with mature planting to the boundaries'. We are aware of the Biodiversity report but

note Kirkburton Parish Council and neighbour comments re mature trees felled prior to report being produced. Indeed we have ourselves witnessed mature trees being felled in 2019 and 2020, prior to the Application.

We further notice and bring your attention to several significant trees that surely warrant protection as part of the setting of Jumble Wood? We are very concerned that our trees and trees that are to be retained are protected throughout any construction process i.e. local root ball protection; tree protection zones; etc. With these points in mind we would request that a BS 5837 type Tree Survey be undertaken to consider existing mature trees that must be retained/protected (LP33).

Relevant references: LP24, 28, 30, 33, 53. NPPF paragraph 170.

5. Non- compliance with other Planning policies/Government Planning guidance

We consider that our Health and Well- being and quality of life will be adversely affected by such a development which would contravene the Kirklees Health and Well- being Strategy at point 1.13 of the Local Plan.

Contravention of Human Rights Act re peaceful right to all our possessions including our home, Article 8 also refers to include surroundings.