

Planning Application Reference: 2020/62/91838/W

. We have been advised of the above application
We do wish to object to the planning application.

The application refers to both a 'terrace' and a 'balcony' in different parts of the documentation. When we have looked at guidance on what this structure might be defined as, we have decided that it most closely resembles a raised platform, as a balcony appears to be a slimmer structure. For the rest of this document we refer to the structure described in the application as 'proposed platform'.

We have read the National Planning Policy Framework, and the Kirklees Local Plan, Permitted Development Rights (PDR) Guidance, the Party Wall Act and have set our objections within this overall policy context.

We note that at no point has a statutory planning notice been displayed for this application on Lingards Road.

In summary our objections are:

- Invasive loss of privacy and overlooking
- Nuisance caused by increased activity, noise and light disturbance
- Visual impact and impact on the character of the local environment
- Increased risk of crime
- Impact on residential amenity
- Relationship to other developments at no. 90 (see Building Regs Application No. 2018/76/01716W)
- Subservience of extensions relative to original building
- Tarmac driveway
- The quality and clarity of the application, PDR works and Building Control

1 Invasive loss of privacy and overlooking

1.1 Background and current situation

One of the reasons we have not moved from is that we really value the environment around us and all the amenities it offers. The house we live in enjoys an elevated position with beautiful views across the Colne Valley. We are not overlooked and, from our windows we are lucky to see only gardens, fields and trees. Houses on this part of Lingards Road are detached and were carefully designed to give a high degree of privacy and a sense of spaciousness and tranquility.

Our main living space, being located at the front of the property, has always enjoyed a quiet elevated position well above and set back from the highway. The properties on this part of Lingards Road were built with this amenity - this is in fact a tremendous asset. It provides a high degree of privacy which we would never have anticipated being threatened.

Our main living space has a bay window - as do all of the other 'chalet style' properties in this cluster of houses). This isn't actually detailed on the planning application - but it is important. The angles of the bay window give us, from inside, our wonderful wide view of the Colne Valley.

We also currently enjoy unrestricted open views up, down and across the Colne Valley from all of the exterior parts of the front of our property. We are lucky to have such views and enjoy these very much.

Lingards Road climbs the steep hillside to the south west of Slaithwaite.

1.2 Impact of proposal and objection points

The proposed platform, being an extension to no. 90's lounge represents a significant addition of living space to no. 90 - it is clearly not intended to be a transient space, nor a brief viewing point.

The floor deck of the proposed platform would be both forward of, and elevated above, our main living space - and would specifically be situated above the level of our front bay window.

The proposed platform would extensively and intrusively overlook the whole of the front exterior of our property from an elevated viewpoint.

The front garden, the driveway, the garage, all of the access points to our property from the highway, our main entrance and our porch could all be readily seen.

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The boundary wall would need to be extended to unreasonable heights to offer us any visual shielding. It would also not extend far enough out to conceal the full depth (from the house to the front edge) of the entire proposed platform.

Any existing or new shrubs would also need to grow to unmanageable heights to become an effective screen

Any screening installed to the platform itself would also need to be of disproportionate and unreasonable size and would be out of character with all the surrounding buildings. Being a site very exposed to the north-west, we experience frequent high and gale force winds. At present the flat profiles of the properties allows good dissipation. The creation of extensive flaps or screens would be inadvisable.

We would have no means to avoid seeing the proposed platform from our living space and the whole of the front of our property - and being seen from it. Not only would this invade our much valued privacy inside our home but potentially our personal security and the security of our property and its contents.

Our position and our views up, down and across the Colne Valley are an asset

We do not wish to see this replaced by a view of an elevated, imposing structure with people - possible a great number of people - using the proposed platform.

We very strongly object to the proposal on these grounds:

- **Our privacy would be very severely affected inside our home and also across the whole of the exterior of the property to the front.**
- **A very significant part of our property would become overlooked from an elevated viewpoint.**
- **Our security, that of future occupiers and the security of our property, would be compromised due to the main living space becoming visible.**
- **Our views up Lingards Road and to the hills of the upper valley would be blocked out.**

Privacy of side elevations on Lingards Road.

The side elevations to this group of properties on Lingards Road have also always afforded residents a high degree of privacy with openings such as doorways and windows kept to a minimum. This also supports the high degree of privacy enjoyed by all residents.

Impact of proposal and objection points

The proposed platform creates an extensive and protruding new side elevation where none has ever existed.

The privacy of side elevations has been recognized and protected by Kirklees planners in the past. The planning conditions for the extension specifically refer to this. We have always respected these conditions as we appreciate the protection they confer. The creation of a new open side elevation which directly overlooks another property would mark a significant change to these protections. We would very much object to this.

2. Nuisance caused by increased activity, noise and light disturbance

2.1 Current situation

This part of Lingards Road enjoys a high degree of peace and quiet with truly wonderful valley views. The properties are set back from and elevated above the highway. There is almost no noise and disturbance to either the front or rear elevations especially in the evenings.

In hours of darkness, our streetlights, being LED, provide discrete pools of light along the highway. The surrounding fields, to the front and rear of the properties, which have a wealth of wildlife, are dark and undisturbed.

The proposed platform is evidently intended as an extension of the main living space (being only accessed from inside the property) at no. 90.

As an extended living space, the proposed platform is no doubt intended to be used for social, leisure and entertainment purposes by present and future residents. This would create a new outdoor space which protrudes out towards the highway in a very significant way, where no structure has previously existed. This would detrimentally affect the whole of the exterior of the front of our property and more importantly our main living space and our front bedroom on the floor above.

2.2 Impact of proposal and objection points

We could readily anticipate much increased noise from both activity on the proposed platform itself and noise and light disturbance spilling from the indoor living space via the newly installed 4 panel bi-folding doors. (We note that the bay windows at no. 90 have already been replaced prior to this application being considered).

People do enjoy very different social and leisure activities. Given the length and width of the proposed platform, almost any form of activity could take place. These would be both unrestricted by space and could involve very significant numbers of people. We estimate a capacity of 40-50 individuals could readily gather on the proposed platform.

Given the proximity of the proposed platform and the very low level of normal background noise on our front elevation, any sounds on the proposed platform would be greatly magnified and would carry a long way due to reflection from the building. This would be experienced by us as a very significant, imposing and intrusive change to our immediate environment. We have no way of mitigating the impact of this on either our main living space nor on our front bedroom which sits above.

There is no information on the lighting to be installed on the proposed platform though it is difficult to envisage that there will be no lighting. Without the detail we can't estimate the specific impact and feel that this is a serious omission on the current application. Especially as this also affects the principle elevation and appearance of the property. This part of Lingards Road is not just visible to those on the highway - it is visible from very many parts of the valley.

Indoor lights reflecting from, and spilling out from the new bi-fold doors would create additional unwanted light spillage from the property onto ours and into the street below. Part of the platform appears to be shown as toughened glass, or similar, which would also be light reflective.

If the proposed platform were to be lit with floodlights or decorative, possibly flashing, lights, it would be disruptive to our main living space. There would be a detrimental impact on everyday indoor activity such as reading a newspaper on the main sofa.

We are lucky to have many types of wildlife around our home. Kirklees biodiversity officers have informed us that the bats around here use the line of the highway as a feeding corridor. We feel that extra unnatural light here could affect their environment as well as ours.

We note that the Kirklees Local Plan says that extensions should minimize impact on future and neighbouring occupiers.

We strongly object to the increased activity and disturbance that this proposal will create. This would have a detrimental impact on our residential amenities.

3 Visual impact and the character of local built environment

3.1 Background and current situation

The houses on this part of Lingards Road were built in 1977 as part of a group of 7 houses on a given plot of land. The houses were constructed together as a group and retain and share various common features and styles. All the 'chalet-style' properties for example retain their bay windows and integral garage – with the exception now of no 90. These features give the built environment on this part of Lingards Road a visual character and harmony.

Properties are set back from the highway, creating a sense of openness and space that is reflected in the extensive and open views enjoyed up, down and across the whole valley.

3.2 Impact of proposal and objections

The proposed platform would be unduly prominent, disproportionate and would dominate the principle elevation of no. 90. It would protrude outwards from the principle elevation towards the highway in a way that no other built extension on Lingards Road does. It would not respect the character of the streetscene in respect of scale and harmony.

The proposed platform would protrude way beyond the front elevations of the properties around making an unmissable visual impact on neighbouring properties and on this part of Lingards Road. Its scale, proportion and protrusion would not be in keeping with the existing character of surrounding properties. It would very prominently disrupt the building line and rhythm of Lingards Road.

This disruption would have an impact now and also on what may be considered acceptable for the other principle elevations of properties on Lingards Road in the future. It would make it quite difficult for present and future residents to assess what 'in keeping' might look like in the future.

From the highway the proposed platform would have the appearance of an enclosed carport due to high walls at both sides and to the rear (see also section 4 below). There is no equivalent structure anywhere else on Lingards Road making it out of place and out of character.

The Kirklees Local Plan says that extensions should respect existing house and adjacent buildings and the character of the streetscene.

Objections are:

- **the dominant, disproportionate and imposing effect that this proposed structure would have on of this part of Lingards Road. It would disrupt the built environment rather than be in keeping with it. It would very much stand out in an area where properties are set back.**
- **the impact this would have on the future building line/other principle elevations of Lingards Road in the future.**

The proposed platform would also add another element to an already very significant remodelling of the principle elevation of no. 90. These works have been carried out over a period of time and don't appear to have had architectural or design input prior to this application being made in late June 2020.

All these works are regarded by no. 90 as 'permitted development'.

As they affect the principle elevation of no. 90 and its appearance and relationship to the rest of Lingards Road and to the wider Colne Valley due to our position, we have challenged this and await the view of Kirklees Council.

These works have had a significant impact on the appearance on the principle elevation of no 90. They include:

- removal of access steps to the south west end of the driveway;
- installation of 4 panel bi-folding doors which both replace and significantly enlarge the former bay window opening;
- creation of new obscurely glazed door at driveway/basement level;
- creation of new obscurely glazed window at driveway/basement level;
- removal of the single integral garage door and partial replacement with stonework. The stonework style here, and the infill to the former doorway on the NE side elevation, has not been matched in style to the rest of the building which is random stone.
- A sill that supports the new doorway for the bi-folding doors and a lintel that tops the basement doorway have been installed. These structures overlap and have actually been cut into each other due to lack of space on the façade. This possibly affects structural strength. It certainly gives the appearance of openings being forced into an inadequate space rather than having been well-designed.

All of the above create a different set of shapes, styles and glazing on the principle elevation of no. 90 when compared to no. 90 previously and when compared to adjacent buildings. Surrounding buildings have, where extended, maintained a high consistency of design and appearance.

The failure to match stonework and cramming features onto the façade at no. 90 are indicators of a disrespect for the existing building and adjacent properties.

The principle elevation of a building belongs to the property owners but it also has a responsibility and contribution to the rest of the 'streetscene'. It would be better for the built environment, in our view, if alterations to principle elevations were subject to planning permission. This would assure good design and incorporate awareness of the surrounding built environment. We have raised this specifically in respect of the works noted above and await confirmations from Kirklees Council.

We note that the Kirklees Local Plan requires extensions to respect the existing home and adjacent buildings including construction materials, window and roof styles and architectural details. And that any alteration should respect the character of the streetscene, including the scale, massing, rhythm, details, roof line, building line and fenestration.

The objections are:

- **use of permitted development rights to remodel the principle elevation of no. 90. This has not enhanced the appearance of the building.**
- **the works do not appear to respect either the existing building (construction material, design, detailing) nor do they seek to fit into the surrounding buildings or the streetscene.**

It would also seem inappropriate to add further structures to a front elevation changed extensively until the appropriate planning questions have been addressed.

4 Security and risk of crime

4.1 Background and current situation

The street lighting on this part of Lingards Rd has been upgraded to LED lights which throw a more discrete pool of light than the previous sodium type. Street lights are located only on the property side of Lingards Road . This leaves the front elevation of no. 90 between street lights and already comparatively darker.

As noted above, no information is provided on any lighting in the application.

At driveway/basement level and directly to the right and left underneath the proposed platform, there are two significant stone walls adjacent to the existing driveway of no. 90.

We have noted above that the proposed platform protrudes extensively from the front elevation. One of the effects of this is the creation of a deep, recessed space on the driveway underneath the platform. The concern here is the creation of hiding places free from surveillance.

4.2 Impact of proposal and objections

From the highway, and for passing pedestrians, the proposed platform would have the appearance of an enclosed carport with a roof above, and solid high walls on both sides and at the rear. This would be an unusual structure with no precedent on Lingards Road therefore much out of character.

Dark recesses would be created behind parked vehicles, underneath the proposed platform. Even if lit, this carport area would have areas of deep shadow with good hiding places.

Thieves would have concealed access to vehicles, to the new doorway and window, which will almost be underground at this point. No one inside no. 90, in either of the adjacent properties, nor from the highway would have a good line of sight into this new recessed area. This could present dangers not just to no. 90 and to vehicles, but to passing pedestrians especially, but not only, in the dark.

The proposed platform is also very close to the access steps and garden wall

The structures close together would be easily climbed making no. 90 and adjacent properties more vulnerable to crime.

We know that crime prevention policy promotes that, wherever possible, crime should be 'designed out' rather than in. And we note that the Kirklees Local Plan requires extensions to minimize the risk of crime.

The objection here is:

- **the creation of spaces and structures that could attract increased crime to this part of Lingards Road.**

5 Impact on residential amenity

We have noted above that our property was built with and currently enjoys the following residential amenities:

- a very high level of privacy
- freedom from being overlooked
- peace and tranquility
- freedom from light and noise disturbances
- unrestricted views
- highway safety
- property security, personal safety and security.

We note that the Kirklees Local Plan says that extensions should minimize the impact on residential amenities for future and neighbouring occupiers.

We strongly object to the proposal as we would experience a detrimental impact to all of these amenities that we currently enjoy

6 Basement extension: recent underpinning works and drainage (Building Regs. Appln. No. 2018/76/01716W)

Building works have been ongoing for several years at no. 90 Lingards Road and carry on to date. It's difficult to separate current situation and future impact in this section as this continues to change.

The application reference above relates to basement extension and underpinning works at no. 90 Lingards Road. From the drawings submitted as part of the planning application for the proposed platform we can see for the first time that the excavations extend under the whole of no. 90 creating a new basement (this is called 'ground floor' in the planning application).

We have asked whether this work, given its extensive and serious nature should in fact have required planning permission. We await a reply.

The Kirklees Building Surveyor responsible has recently confirmed that Building Control will be inspecting these works and as yet no completion certificate has been issued. These works involved extensive new excavations to the building and underpinning. These have the potential to very seriously affect the structural stability of the building.

We will be following this up with Building Control.

The current planning application also sets out for the first time the extensive remodelling of the first floor interior of no. 90 - some of which includes structural works.

The changes are set out between the 'existing' and 'proposed' drawings of the first floor on the planning application.

There is no mention of the changes in the application form.

We are unclear as to whether the main building changes shown on the drawings actually forms a part of the application as no further detail is supplied.

The structural changes to the interior include the removal of existing walls and doorways and insertion of new doorways - including rear external doors.

We have asked for clarification on whether these elements should form part of the planning application - and be detailed as regards structural calculations, materials, and dimensions. Alternatively we are advised that they may require a Building Regulation Application. We are awaiting a response.

As much work has been carried out as a private (DIY) set of works by the owners of no. 90 there is no apparent assurance of external transparent control such as a full architects plan, structural engineers' reports - though these may exist.

Nor can we envisage the works having any form of building works guarantee nor oversight and/or assurance by a professional body. Whilst the main risk of this is clearly with the current owners of no. 90 - if any of the structural works remain un-inspected and unassured - there is a very real risk to future property owners.

Our objections are:

- **There is a lack of completion on existing works (Building Regs. Application No. 2018/76/01716W) with clear potential to affect the structural stability of the building.**
- **There is a lack of clarity on which elements of no. 90's development works are either permitted development, requiring planning or requiring building control.**

It is difficult at present to separate the woods from the trees regarding the works at no. 90.

With this amount of uncertainty regarding recent, existing (and ongoing) works, we believe it would be inappropriate to allow the further construction of a proposed platform to go ahead.

We also believe that there is a need to ensure that there is 100% assurance on the works to date, and that the structural building alterations wholly and entirely conform to Building Control standards.

Consequently, we request that Kirklees Council remove permitted development rights from no. 90.

7 Subservience

7.1 Background and current position

Planning guidance refers to the importance of not overdeveloping a property, nor a building plot, with extensions and additions.

The previous owners of no 90 extended the building to the front, to the rear and upwards. A porch was also added to the north east side elevation. Current owners have extended the basement integral garage to cover the full floor space underground.

It hasn't been possible to access full historical planning records for no. 90 in person due to the COVID situation. However it has been possible to make an estimate of the enlarged total floor space of no. 90 from the submitted application, previous applications and from the land deeds that we hold.

7.2 Impact and objections

The estimate is that the proposed platform would take the total property development of no. 90 to approximately double that of the floor space of the property as it was originally built.

The Kirklees Local Plan says that extensions should be subservient.

The objection is that:

The proposed platform extension would lead to the building extensions at no. 90 no longer being subservient to the original building.

Also for this reason, we would like Kirklees to remove permitted development rights from no. 90.

8 Tarmac driveway

The existing tarmac driveway has been extended, excavated and part concreted over the last few years and appears to be in need of a complete new surface. This is mentioned in the planning application. However we are aware that the Environment Agency (EA) now promotes the use of permeable surfaces for driveways.

The objection is that:

The use of tarmac to re-cover the car parking area is contrary to EA guidance.

9 Quality and clarity of planning application

We would also like to complain about the quality and clarity of this planning application. We would like the following comments to be taken into account.

The application consists of drawings and, if you disregard names and addresses, of 3 words. As noted above these words also don't actually match the description on the drawings. It may be that due to the COVID crisis there are documents we have been unable to access due to office closures. If this is in fact the case we would request that the timescales for the application to be re-set.

We are also aware that some local builders do submit minimal plans with a view to resubmission once objections are clearly made. If this is the case, we will be looking to resubmit our own comments and update our objections.

Given the documentation we do have, there are inconsistencies, omissions and factual errors in the application.

It's not clear to us what the application is actually for - as the drawings differ significantly from the limited text. This is partly why our response has had to cover so many issues.

Some of the changes in the drawings - such as the removal of the bay window, the widening of this opening and the installation of bi-folding doors - have in fact already taken place. There is no reference to these changes in the written application so they form part of the drawings but not the text.

It's not clear what this means. Is this part of the application or not? Is it a retrospective application?

The application provides no detail on the materials to be used on the proposed platform itself other than 'glass'.

There is also no information regarding the materials to be used for:

- the floor surface of the proposed platform
- the support structure for the proposed platform
- the drainage for the proposed platform
- the lighting above or on the proposed platform nor lighting underneath the proposed platform.

There is also no detail on the materials used in the installation of the bi-folding doors. A much bigger opening has been created on the front elevation to accommodate these. As this affects thermal heat loss, in order to ensure energy efficiency, thermal properties (U-values) details should be included and checked against Building Regulations.

There is no information in the text in the application and no reference is made to this change. Any alteration to this structure directly affects the Party Wall and the security of both properties, this detail is extremely relevant to us.

Current parking allows for 3 cars on the driveway in front of no. 90 and these are currently fully

The excavations and the conversion of a garage to an extended basement at no. 90 (see related Building Regs Application) have already eliminated the internal parking space inside no. 90. If this alteration is taken into account the overall parking capacity for no. 90 has been reduced from 4 to 2. This forces vehicles that could formerly be accommodated at no 90 onto the highway. Lingards Road is a narrow rural road and we already experience a significant level of pavement parking which impedes access and affects the safety of even able bodied pedestrians.

In the future these would sit beneath both the proposed platform and new proposed driveway which we have assumed is part of this planning application. Drains should be clearly identified on

this application. If not marked on plans any future owner of no. 90 would not know where these drains are.

There is no information on the internal layout of the extended basement level of no. 90. It's not clear if waste pipes discharge to the front or to the rear of the property. Due to the COVID situation we have been unable to personally view the Yorkshire Water records for pipes and sewers. Applications may have been made to allow for these drains to discharge appropriately. We have asked for clarification and confirmation from Building Control.

There is a need to be clear about drainage as, perhaps unusually, bathrooms and toilets and the main foul water pipe run to the rear of some of the properties on this part of Lingards Road. Also because the surface water drainage (gulleys) on Lingards Road regularly back up due to the high rainfall levels and flooding is an issue.

Thank you for reading this.

We have attempted to provide a detailed and comprehensive account of the unresolved questions we have concerning the works at no.90, together with similar uncertainty regarding the scope of the planning application.

We did also want the full impact of the changes to be fully communicated.