

Comments related to planning application number 2020/62/91838/W

"Design is the most important aspect of the planning permission process.
Good design should mediate between policy and ambition." Planning portal

"Good design should be at the core of all proposals" Kirklees Local Plan

"If you fail to plan, you are planning to fail." Benjamin Franklin

(In)accurate and (in)correct

Right above Section 1, of the application form, the applicant is told, 'Please ensure the information you submit is accurate and correct'.

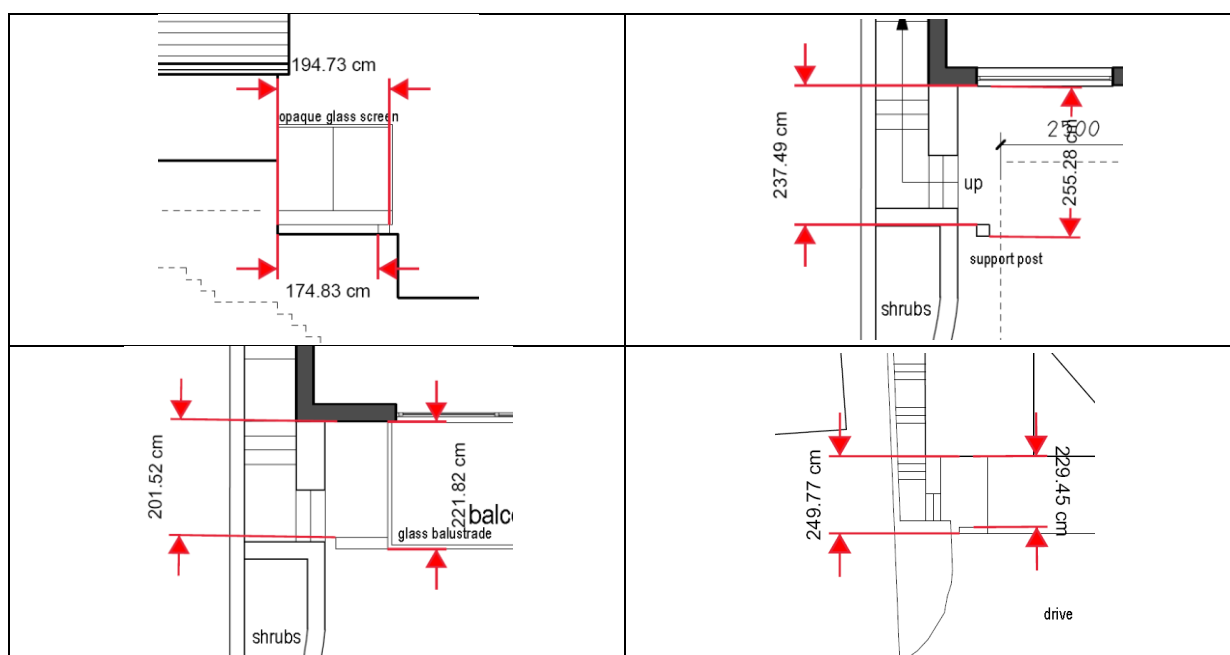
The following shows significant material planning considerations, inaccuracies and errors exist within this application, including the submitted plans.

Guess the size

The proposed terrace support posts have a side that faces the front elevation, and an opposite side that faces the highway. You might expect, measuring the shortest distance from the front elevation wall, to each of the support post faces, would provide the same result, when using the different proposed drawings. However, they don't.

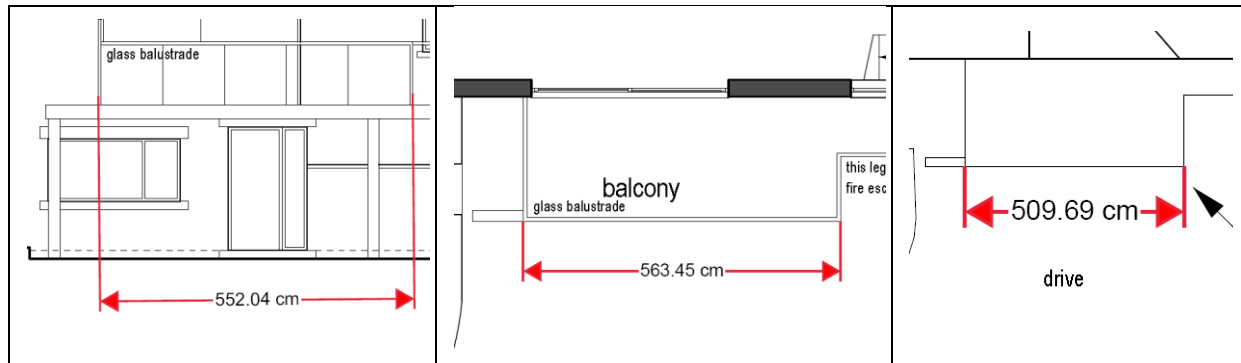
The results, seen below, show a wide variation:

Elevation	Inner face	Outer face
Side	174.83cm	194.73cm
Ground floor	237.49cm	255.28cm
First floor	201.52cm	221.82cm
Site plan	229.49cm	249.77cm



Measuring the length of the proposed terrace (excluding fire leg) yields equally baffling results:

Elevation	Inner face
Front	552.04cm
First floor	563.45cm
Site plan	509.69cm



Which, if any, of these measurements are meant to represent what is being applied for?

The terrace being applied for could be 9.9m^2 or 14.4m^2 (45% more) . Who really knows?

Material planning consideration:

- I. It is completely unclear what size terrace is being applied for. The plans are inaccurate, contradictory, unreliable, and unusable. As such, they are completely inadequate for making any decision.

Section 3

Section 3, of the application, refers to 'Proposed terrace'. On the drawings, it is referred to as a balcony.

'Sliding doors' are also referred to, which I presume refers to the removal of the bay window, the significant stone cut-out and the installation of the tri-fold doors.

'Conversion of ground floor garage and store into habitable space', appears to be a reference to the garage. Each of these chalet style properties had a standard sized garage included, when the properties were built. Any storage would have been within the garage, not separate to it. There is no mention of the expansion of the garage to include significantly more floor space underneath the property.

The applicant has changed the windows, not like-for-like as there is no mention of the Georgian style windows replaced with clear glass.

The applicant has bricked up the previous main entrance, which was inside the porch on the eastern side of the property, but there is no mention of it in the proposed changes.

The applicant has created a new main entrance, on the principal elevation, but there is no mention of it.

Material planning consideration:

- I. Completion of this section of the form does not follow planning guidance concerning accuracy, as it omits changes already made that require planning permission.

Section 5

Section 5, of the application, refers to 'new or amended pedestrian access'. The applicant has indicated none is proposed. However, with the addition of the proposed support posts, access to the new proposed front is more restrictive than before. When the three parking spaces are in use, able bodied visitors will now be forced to squeeze past the parked cars and posts. Wheelchair or disabled visitors will likely struggle. This, to me, suggests amended access will be created.

5. Pedestrian and Vehicle Access, Roads and Rights of Way	
Is a new or altered vehicle access proposed to or from the public highway?	☐ Yes ☒ No
Is a new or altered pedestrian access proposed to or from the public highway?	☐ Yes ☒ No
Do the proposals require any diversions, extinguishments and/or creation of public rights of way?	☐ Yes ☒ No
If Yes to any questions, please show details on your plans or drawings and state the reference number(s) of the plan(s)/drawing(s):	
	

Material planning consideration:

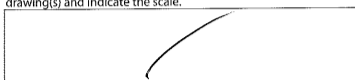
- I. Completion of this section of the form does not follow planning guidance concerning accuracy, as it fails to mention changes to pedestrian access.

Section 7

Section 7, of the application, refers to trees and hedges. The applicant has indicated there are no trees within falling distance of the proposed terrace. The applicant has also indicated no trees will be removed or pruned.

A column of conifer trees stands between the drives of no.90 and no.92. These trees stand around three metres tall and approximately 1.4m from the proposed terrace. As such, the trees, closest to the proposed terrace, are within falling distance.

7. Trees and Hedges
Are there any trees or hedges on your own property or on adjoining properties which are within falling distance of your proposed development? ☐ Yes ☒ No
If Yes, please mark their position on a scaled plan and state the reference number of any plans or drawings:

Will any trees or hedges need to be removed or pruned in order to carry out your proposal? ☐ Yes ☒ No
If Yes, please show on your plans which trees by giving them numbers e.g. T1, T2 etc, state the reference number of the plan(s)/drawing(s) and indicate the scale.


Material planning consideration:

- I. Completion of this section of the form does not follow the guidance concerning accuracy, as it is inaccurate. Trees are within falling distance of the proposed terrace.

The applicant has indicated no trees will be removed. The trees, between the drives of no.90 and no.92, stand westerly of the wall proposed to be moved. The proposed position of the wall would cut across the base of the trees: *see section 11*.

Material planning considerations:

- I. Completion of this section of the form does not follow the guidance concerning accuracy, as it is inaccurate. Trees would need to be removed for this application to be realised.
- II. The loss of trees would reduce the amount of screening, which would increase overlooking and loss of privacy.
- III. The loss of trees would negatively impact our enjoyment of their visual amenity.
- IV. The loss of trees would result in the loss of habitat for wildlife and nesting birds, which would have adverse impact on nature conservation interests & biodiversity opportunities.
- V. Storm and rainwater runoff, from the sloped fields behind Lingards properties, means rainfall finds its way under and between properties. Removing trees that help absorb such water can only result in more water finding its way onto Lingards Road. Such rainwater is already a problem, causing serious flooding issues, further down Lingards Road, adding to it would only worsen the issue. As such, removing trees would negatively impact on public drainage.

The applicant has indicated that no trees will be pruned. For the wall to be moved closer to the boundary (or across it, as is proposed) the conifer tree roots would need to be pruned, by an estimated 25%. There is a British Standard for protecting tree root systems: BS 5837:2012. This standard provides a calculation for the root protection area (RPA) around trees. Pruning the tree roots, by moving the wall, would negatively impact on each of the trees RPA calculation, as insufficient soil would be retained to accommodate the trees. By ignoring this standard (BS 5837:2012), the applicant would effectively be electing to ignore the recommendation, and, in so doing, accepting the trees might die as a direct result of his actions.

Material planning considerations:

- I. Completion of this section of the form does not follow the guidance concerning accuracy, as it is inaccurate. Trees would need to be pruned for this application to be realised.
- II. The loss of trees would reduce the amount of screening, which will increase overlooking and loss

of privacy.

- III. The loss of trees would negatively impact our enjoyment of their visual amenity.
- IV. The loss of trees would result in the loss of habitat for wildlife and nesting birds, which would have adverse impact on nature conservation interests & biodiversity opportunities.
- V. Storm and rainwater runoff, from the sloped fields behind Lingards properties, means rainfall finds its way under and between properties. Removing trees that help absorb such water can only result in more water finding its way onto Lingards Road. Such rainwater is already a problem, causing serious flooding issues, further down Lingards Road, adding to it will only worsen the issue. As such, removing trees would negatively impact on public drainage.



Section 8

Section 8, of the application, refers to parking arrangements. The applicant has indicated no existing parking arrangements are affected. The photo above shows four parking arrangements where available, prior to the changes that have already taken place: 1 x garage, 3 x drive. With the garage converted, a car parking space has been lost.

8. Parking

Will the proposed works affect existing car parking arrangements?

☐ Yes ☒ No

If Yes, please describe:

Material planning considerations:

- I. Completion of this section of the form does not follow the guidance concerning accuracy, as it is inaccurate.
- II. The decrease in parking spaces is likely to result in parking issues as the number of household cars increases or through visitors.

Section 10

Section 10, of the application, refers to materials. The applicant has indicated walls are not applicable. The applicant has also indicated boundary treatment is not applicable. The applicant has indicated Tarmac is to be used on the drive. The applicant has indicated Others is not applicable.

The applicant has not indicated the material to be used on the moved wall. It can be assumed it would be the same material evident now, but this can only be an assumption.

The applicant proposes to cross the boundary onto the property of no.92. This is proposed in the movement of the wall, at the side of the drive. It is assumed such crossing is unintended, and based on the inaccurate site plan boundary.

The government's planning portal states, 'You will not need planning permission if a new or replacement drive of any size uses permeable (or porous) surfacing which allows water to drain through, such as gravel, permeable concrete block paving or porous asphalt, or if the rainwater is directed to a lawn or border to drain naturally.'

The applicant does not indicate whether the type of Tarmac proposed to be used is permeable or not.

The applicant has not mentioned the materials to be used on the proposed terrace, which might have been listed under Others. As such, it is not known how appropriate or inappropriate the proposed materials are.

Material planning considerations:

- I. Completion of this section of the form does not follow the guidance concerning accuracy, as it is inaccurate. There are omissions and incomplete data.
- II. The finishing material, in terms of the permeability of the Tarmac, is not indicated. Without being properly indicated, a non-permeable Tarmac could inadvertently be used instead.
- III. Without permeable Tarmac, water would add to the existing drainage systems inability to cope with rainfall. NB Rainfall levels are predicted to increase as a result of global warming.
- IV. The finishing materials, for the proposed terrace, have not been indicated. The suitability and appearance of the proposed material cannot be assessed when it continues to be omitted.

10. Materials				
If applicable, please state what materials are to be used externally. Include type, colour and name for each material:				
	Existing (where applicable)	Proposed	Not applicable	Don't Know
Walls			☒	☐
Roof			☒	☐
Windows	PVC	PVC	☐	☐
Doors	PVC	PVC	☐	☐
Boundary treatments (e.g. fences, walls)			☒	☐
Vehicle access and hard-standing	TARMAC	TARMAC	☒	☐

10. Materials			
If applicable, please state what materials are to be used externally. Include type, colour and name for each material:			
Lighting			☒
Others (please specify)			☒

Section 11

Section 11, of the application, refers to land ownership. The applicant has indicated he owns all land affected by the planning application.

The boundary, seen on the site plan, has been drawn in the wrong place. The actual boundary follows the physical boundary wall that runs parallel to no.90. This wall was erected when the property was originally built.

The wall runs the full gable end of no.90 and stops just forward of the principal elevation. Following the line of the wall, the boundary reaches the highway part way along the wall, proposed to be moved, that faces the highway.

The three photos below, going from the rear to the front of the property, show where the centre of the physical boundary wall exists, depicted by the red line.



11. Ownership Certificates and Agricultural Land Declaration		
One Certificate A, B, C, or D, must be completed with this application form		
CERTIFICATE OF OWNERSHIP - CERTIFICATE A		
Town and Country Planning (Development Management Procedure) (England) Order 2015 Certificate under Article 14		
I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/ the applicant was the owner* of any part of the land or building to which the application relates, and that none of the land to which the application relates is, or is part of, an agricultural holding**		
NOTE: You should sign Certificate B, C or D, as appropriate, if you are the sole owner of the land or building to which the application relates but the land is, or is part of, an agricultural holding.		
* "owner" is a person with a freehold interest or leasehold interest with at least 7 years left to run.		
** "agricultural holding" has the meaning given by reference to the definition of "agricultural tenant" in section 65(8) of the Act.		
Signed - Applicant:	Or signed - Agent:	Date (DD/MM/YYYY):
	Redacted	17/06/2020
CERTIFICATE OF OWNERSHIP - CERTIFICATE B		
Town and Country Planning (Development Management Procedure) (England) Order 2015 Certificate under Article 14		
I certify/ The applicant certifies that I have/the applicant has given the requisite notice to everyone else (as listed below) who, on the day 21 days before the date of this application, was the owner* and/or agricultural tenant** of any part of the land or building to which this application relates.		
* "owner" is a person with a freehold interest or leasehold interest with at least 7 years left to run.		
** "agricultural tenant" has the meaning given in section 65(8) of the Town and Country Planning Act 1990		
Name of Owner / Agricultural Tenant	Address	Date Notice Served
Signed - Applicant:	Or signed - Agent:	Date (DD/MM/YYYY):



Using the submitted plans as a guide, the blue line, on the image below, shows where the boundary is suggested to fall, which is across the driveway of no.92. The red line depicts an approximation of where the actual boundary falls. There is a marked difference between the two.

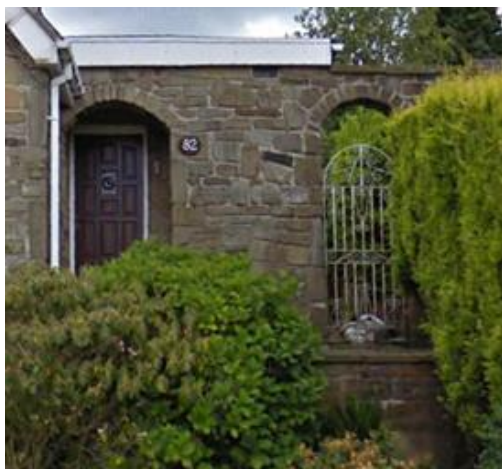
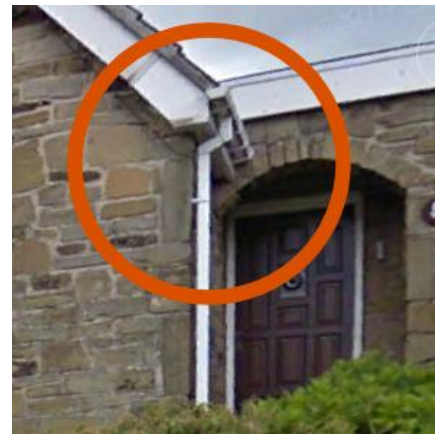


The proposed wall movement would see the wall cross to the right of the red line, towards no.92. This is further supported by the following.



The two images above show an original chalet style property (left) and the applicants (right), as it was when he purchased it. The differences seen were introduced by the former owner of no.90, not the current owner and applicant.

The extension to the top floor is, perhaps, the most obvious change, with the introduction of a third (dormer) bedroom. The main entrance, to the right of the property has also disappeared, being replaced with a window. What may be less obvious is the main entrance was originally set further back from the main part of the front elevation: *see photo to right*. The change to no.90 saw the front elevation walls aligned.



The earlier development, to no.90, not only changed the front door to a window, it also moved the western gable end wall closer to no.92. As can be seen in the image above, to the left, originally, there was sufficient room, between the dwelling and the boundary, to facilitate a walled gate. Moving the gable end wall, at no.90, reduced the width, of the side path, considerably. This is

illustrated below, which represents a top view of the gap between the opposing gable ends of no.90 and 92.

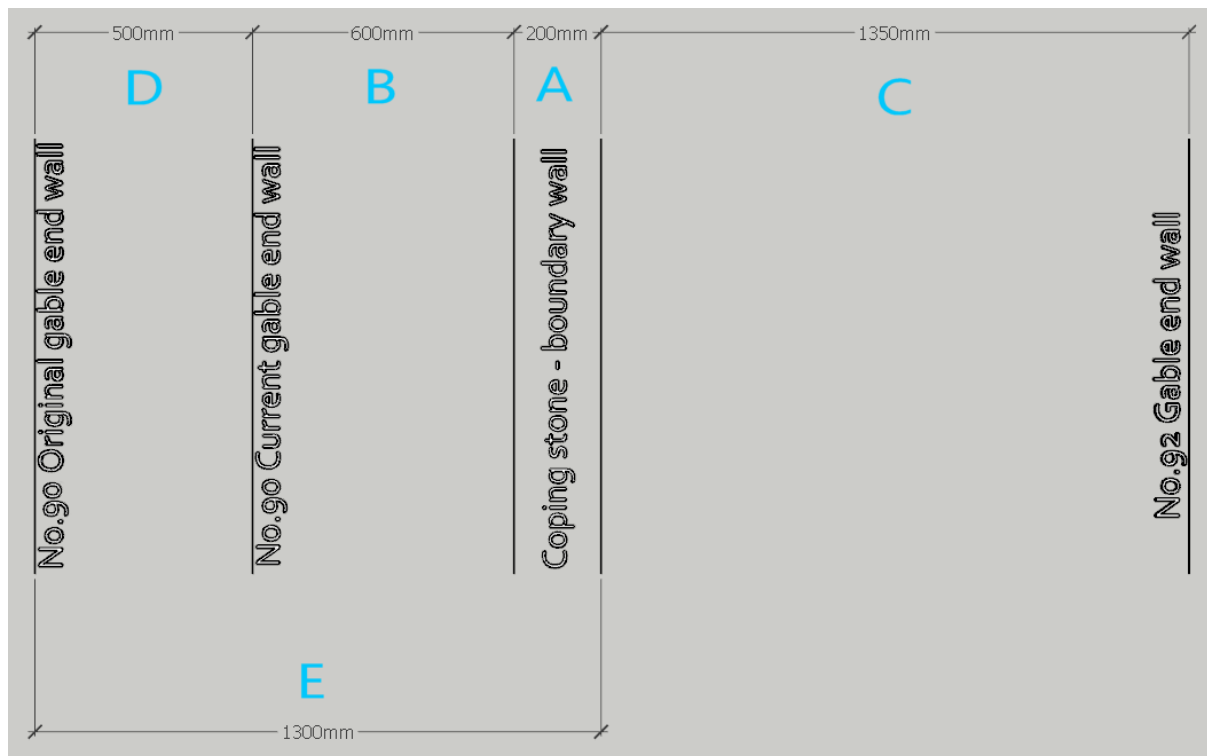
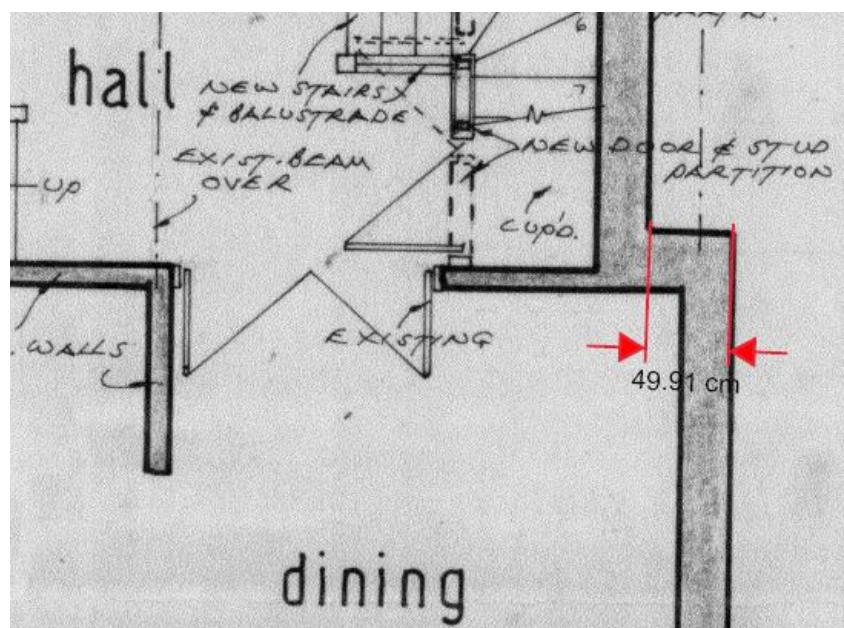


Figure A (200mm) represents the width of the coping stones that lie atop the existing boundary wall. Figure B (600mm) represents the maximum size of the existing pathway between the boundary wall and the gable end of no.90. Adding figures A and B provides a total of 800mm, which compares less favourably to the measurement between the gable end of no.92 and the boundary wall, shown as figure C (1350mm). However, when you consider the original gable end of no.90 was 500mm (figure D) further away from the boundary wall, we see no.90 originally had an (almost) equivalent gap between the boundary and gable end, of 1300mm ($500 + 600 + 200$) (figure E).

This further illustrates the boundary, as depicted on the submitted plans, is inaccurate and incorrect.

On the right-hand side of the image, to the right, the original gable end location can be seen to step leftward from the new gable end wall, which helped create the then new dining room. The difference between the two represents figure D, previously referred to, and the 500mm reduction in the walkway width. This 500mm step was removed, by being bricked up, as part of the dining room extension.



The result of correcting the boundary position also effects the conifer trees between the driveways of no.90 and 92. In effect, it means the conifer tree bases stand on no.92's property, not no.90's.

The owners of no.92 are not inclined to remove the trees, which, having been established for 20+ years, are annually home to many nesting birds, plus they act as a natural screen, which is in keeping with other properties.

Material planning considerations:

- I. Completion of this section of the form does not follow the guidance concerning accuracy, as it is inaccurate. The boundary is shown in the wrong place. The impact of this is the submitted plans would cross onto property belonging to no.92. It does not all belong to no.90 as stated.
- II. The loss or effect on the trees cannot be carried out without the owner's permission. For the reasons stated above, no such permission is proposed.
- III. If moving the wall, closer to the trees, were possible, the trees could become unstable, and topple or significantly move. This could endanger or damage the trees and cause them to die. An arboriculturalist would be required, to offer advice, to ensure the trees are properly protected.

Existing front elevation

Two images can be seen below. The picture of the left is how the applicant shows the existing front elevation. The picture on the right depicts how the existing front elevation actually looked, prior to any changes being made.



The original property had stone steps, on the front elevation. These steps led, from the owners drive to what would have been the very original front door. That door was removed by the previous owner, when extending his property. The applicant removed the steps and walkway, to create the new front door at ground level. A retaining wall, identified as 'stone wall', in the submitted existing image, was created after the steps and walkway were removed.

By retaining the majority of the external steps and walkway, but starting the steps 1.5m to the right, the applicant could have changed the right hand first floor window, into a new front door. By doing so, it would have retained the existing fire escape route, from an open lounge.

The photograph below confirms how the existing front elevation looked, with the steps and walkway in-situ. The impact of the changes is more evident, when one sees the full extent of what has been done to the property, by the applicant.



Material planning consideration:

- I. The existing plans do not follow the guidance concerning accuracy, as they are inaccurate. The existing image does not reflect how the property originally appeared.

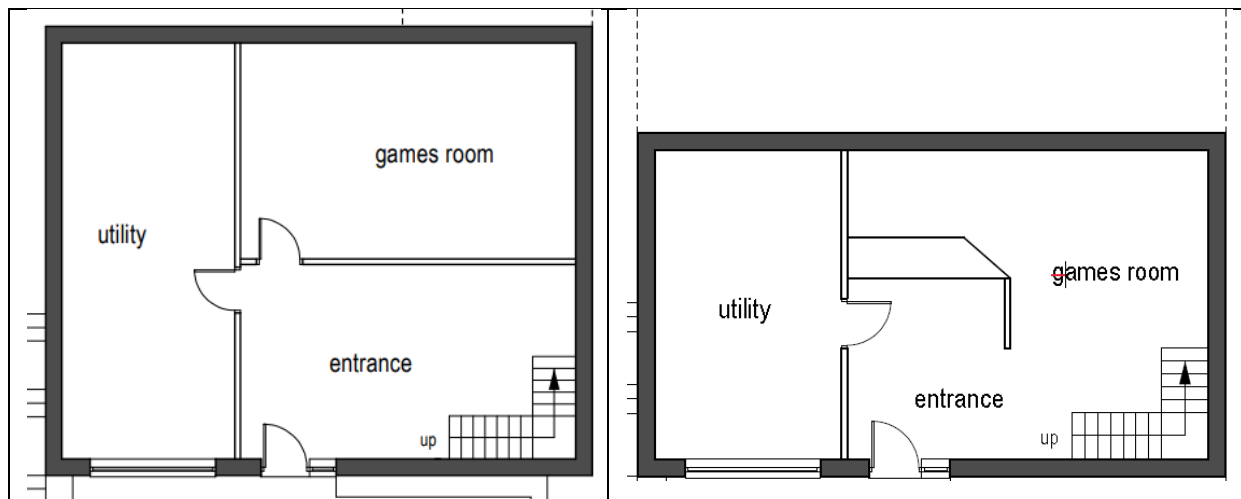
Basement excavation

The excavation, to the side of the garage, was started in 2016. The applicant only informed the council, after two years, having been approached by a neighbour. The applicant underpinned the property without notifying his neighbours, which was his statutory duty. The external and internal work has now been completed. After four and two years respectively, building control have still not signed off the original application 2018/01716 or the new application 2020/01785.

The garage conversion saw the garage door changed to a wall and window. The window is frosted, which no other property has on their front elevation.

The internal staircase, to the first floor, was built as a result of the basement creation. Had the applicant employed an architect, perhaps the staircase would have been made secure and fire safe, from the start. This would have obviated the need to propose an unnecessary and eyesore fire escape leg, off the proposed terrace.

The new basement means no.90 is the only chalet style property, along Lingards Road, that has three stories of living space. The property stands out, and is out of character, because of this.



The two images above show the original and revised basement plans. The left most image shows the basement excavation taking the back wall the full depth of the building. The right most image shows the extension only going as far back as the original garage did.

The two plans are hardly close. They are hugely different. Perhaps the designer was working blind, but how the vastly different room configurations, walls and dimensions could be mistaken is intriguing. If the designer were working blind, as in never having visited the property, one has to ask what can be taken as accurate elsewhere in the plans. If the designer had visited the property, one has to ask how such a mistake could have occurred and whether anything else is accurate.

The lack of accuracy here, and elsewhere in the submissions, is, for me, concerning. Stakeholders are being asked to comment on matters that have long-term consequences, based on, at times, consistently inaccurate plans. I have little confidence, in what is being presented.

Structural engineers are required to make the necessary calculations that underpin the work of underpinning. It is unknown whether any such engineers were employed, which is a concern. A lot rests on the suitability and competency of the work undertaken.

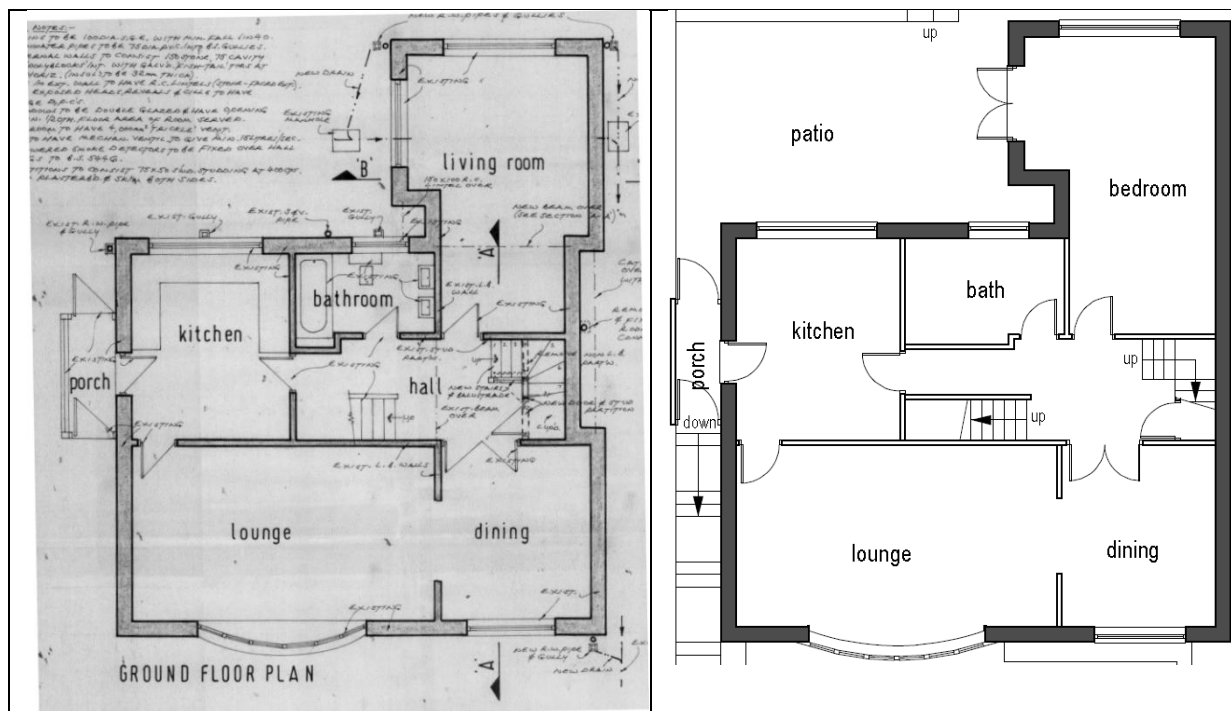
Ventilation is understood to be required for a basement, including basements with only one exposed façade. However, the plans make no mention of ventilation.

In terms of the underpinning, without knowing the true dimensions of the basement excavation, one cannot fully appreciate the risks involved in having this work completed without appropriate supervision or regulatory control. This is of particular interest due to the previous work undertaken along the gable end facing no.92, by the previous owner.

Material planning considerations:

- I. The internal staircase should be made to comply with building regulations, and made secure (fire safe).
- II. The scale of the basement is unknown and could, if matching the original submission, negatively impact on sewage pipes, which would have required the involvement and permission of Yorkshire Water. If a problem developed, as a result of the excavation being within 3 metres, this would negatively impact on public drainage and water systems.
- III. Changing the property, to be three stories of living space, means it impacts on the character and appearance of the area: no other chalet style property, on Lingards Road, has changed the front elevation in this way. It has lost the character and charm it previously had.
- IV. The regularly changing plans cannot be considered to follow the guidance concerning accuracy, as they are self-evidently inaccurate, in a number of areas.
- V. Ventilation is not mentioned, regarding the basement excavation, despite being covered in approved document F.
- VI. The applicant has, on more than one occasion, shown scant regard for regulations and his statutory duty. Without confidence in the work already undertaken, one cannot have confidence in any future work. There are genuine concerns about what comes next, if such disregard is facilitated and encouraged.

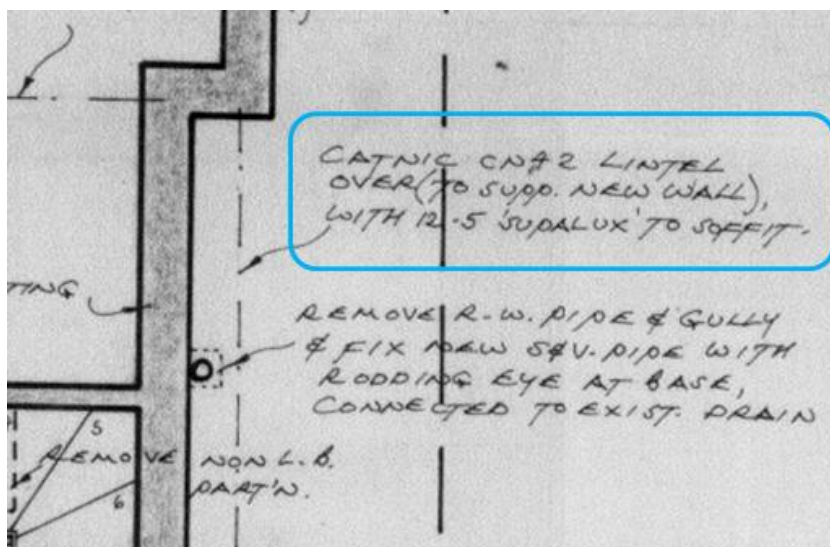
The missing wall



Above you'll see two images. On the left is a plan from planning application 94/62/91515/W1. That image was submitted in 1994 for the changes the previous owner made. The plan on the right is the existing plan from the current applicant. As such, they should be the same. They are not.

There are a few small differences, but one I suggest is significant; concerning the right hand wall. In 1994, part of the original gable end wall is shown to be retained and appears indented, to the left, compared to the walls to the front and rear. In the current applicant's plans that indented wall is missing.

The image right appears on the 1994 application, which states a lintel was to be placed, joining the front and rear walls, such that a continuous wall is seen along the gable end. That meant the central part of the gable end wall is purely cosmetic, not structural. Furthermore, the original wall was to remain.



There is evidence to support this, in the form of the photographs used as part of the sales brochure, from the previous owner. The photograph below is taken looking into what was intended to be the living room, but ended up becoming a bedroom.

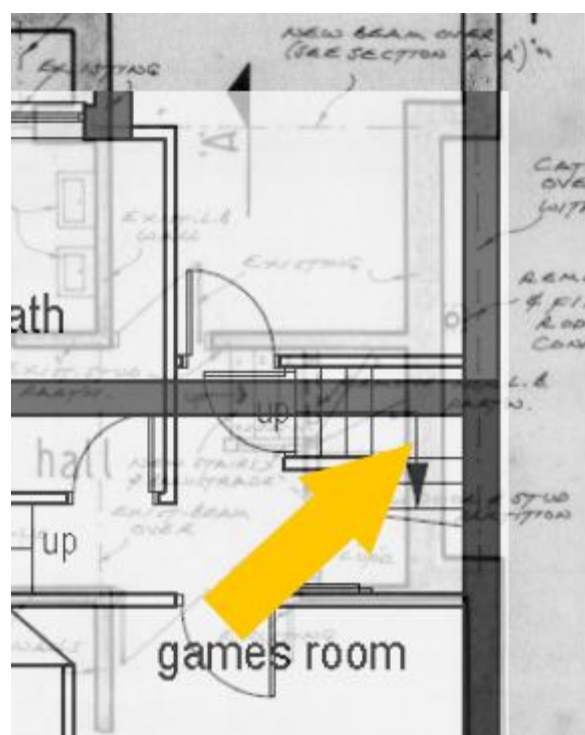


Above and aside the bed, stand cupboards/wardrobes. To the right of those, just in picture, another wardrobe type door is seen. You will note this door is set forward of the others. This would be the case when the original gable end wall was retained, as the 1994 application shows.

As such, the current applicant's plan is incorrect, if it omits the wall structure as it is. But, not only that. The main concern raised, by this omission, for me, relates to underpinning.

If the current applicant is unaware of the structure of the gable end in question, which is why it has been omitted from his plans, I have to wonder how that has impacted the underpinning that he undertook. The relevance of this is perhaps better understood looking at the image to the right.

The 1994 plan, and the ground and first floor of the current plan, have been overlaid. From this, the rear wall of the games room can be seen to cut across part of both the original gable end wall (indented) and the outer non-structural



wall: *see yellow arrow*. As such, there are two walls, in that corner that would, I presume, need to be catered for re. the underpinning. Only structural engineering plans and calculations could attest to whether this was considered and adequately catered for.

However, if the current applicant's plans are correct, and the indented wall in question has been removed, why is there no building control application for it. The lack of such an application being found suggests the wall is still in place, but has been overlooked by the applicant. If that is the case, it is very concerning.

The missing wall, again, brings into question the accuracy of the current plans submitted. That lack of accuracy increases the level of risk, which is also concerning.

Material planning considerations:

- I. The omission of the original gable end wall can only be considered as an inaccuracy in the applicant's plans. Accuracy and correctness are essential for planning applications, as the application form states. Without that, the safety and well-being of others could be seriously jeopardised.

Tri-fold doors

The tri-fold doors replace the bay window that previously lit the applicant's lounge. That bay window, like so much concerning the changes already made, was removed without the involvement of building control. Instead, the window was removed, the cut-out enlarged, and the doors fitted as a *fait accompli*.

One can assume, the tri-fold doors offer a significant benefit to the applicant, in the enjoyment of the available view. Unfortunately, to passers-by, they give the impression of being overlooked and watched. Certainly, that is the impression I, and others I've spoken to, have.

To the applicant, this might be seen as unimportant, but, I believe, it matters. It matters because it changes the quiet streetscene and amenity of the area. A loss of privacy now exists. Passers-by and residents alike will now feel that loss.

Whatever the reason, for ploughing ahead in the way the applicant has, I do not see the changes as offering good design, or maintaining the character of the property or vicinity.

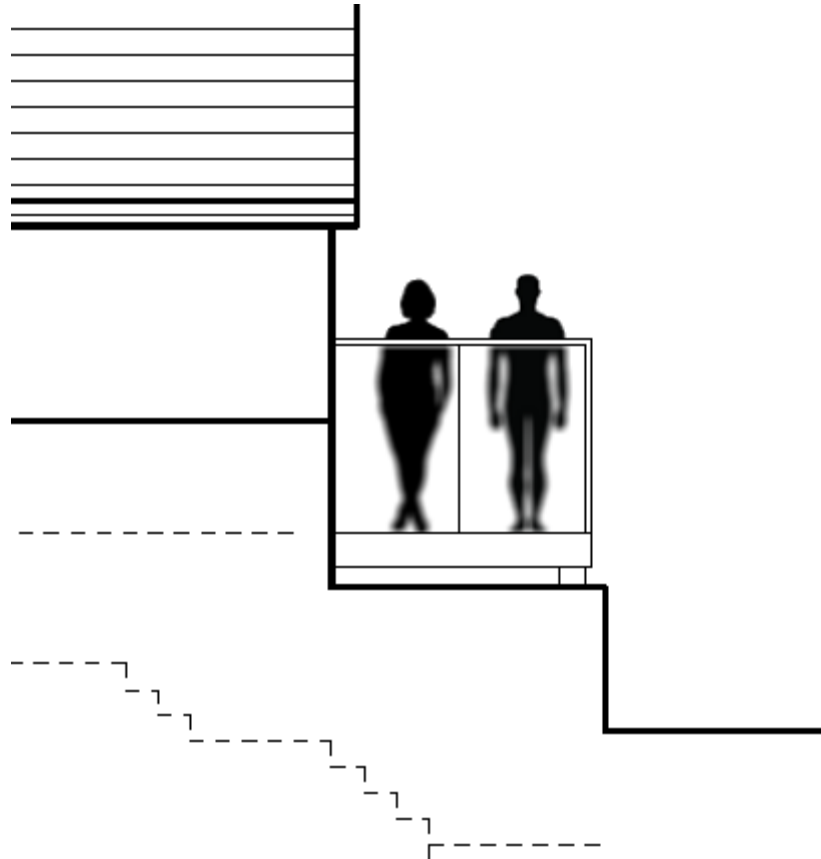
What I do know is that when the doors are open, internal noise is amplified outside. This has already been experienced. Such noise travels further outside and presents itself as a disturbance to all within range. This sees the general tranquillity and enjoyable birdsong, we and others so much enjoy, being lost.

Material planning consideration:

- I. The tri-fold doors do not maintain the character of the original property.
- II. They drastically change the visual appearance.
- III. Their scale and dominance is over-powering, having a significant negative impact on the character and appearance of the area.
- IV. Any noise disturbance, emanating from inside, will be amplified outside, when the doors are open, which will impact on the character of the area.

Opaque glass for no.88

The new submission includes opaque glass, on no.88's side of the proposed terrace. The new submission also shows the height, to the top of the balustrade, as being 151cm. The average height of a UK man is held to be 175cm (male) and 161cm (female). The greater height of the male and female means the balustrade would not stop them seeing over the top. If the balustrade height is intended to prevent a person seeing over the top, it fails.

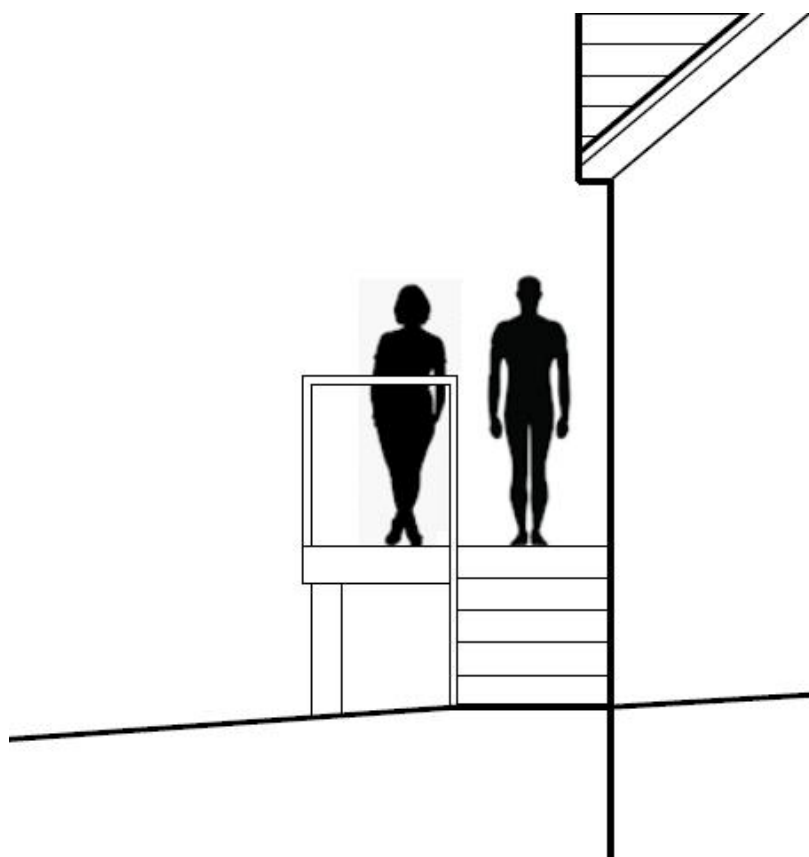


Material planning consideration:

- I. The increased height of the glass and balustrade does not properly address the overlooking and loss of privacy at no.88.
- II. The proposed height needs to be increased to prevent overlooking.

Opaque glass for no.92. Not.

The height, to the top of the balustrade, on the side of no.92 is proposed to be 110cm. This is 40cm lower than on the side of no.88. The glass is proposed to be clear, on the side of no.92. The glass is proposed to be opaque, on the side of no.88. The opaque glass, on the side of no.88, is proposed to cover the whole side of the proposed terrace. Over half of the opening, on the side of no.92, is proposed to be completely exposed.

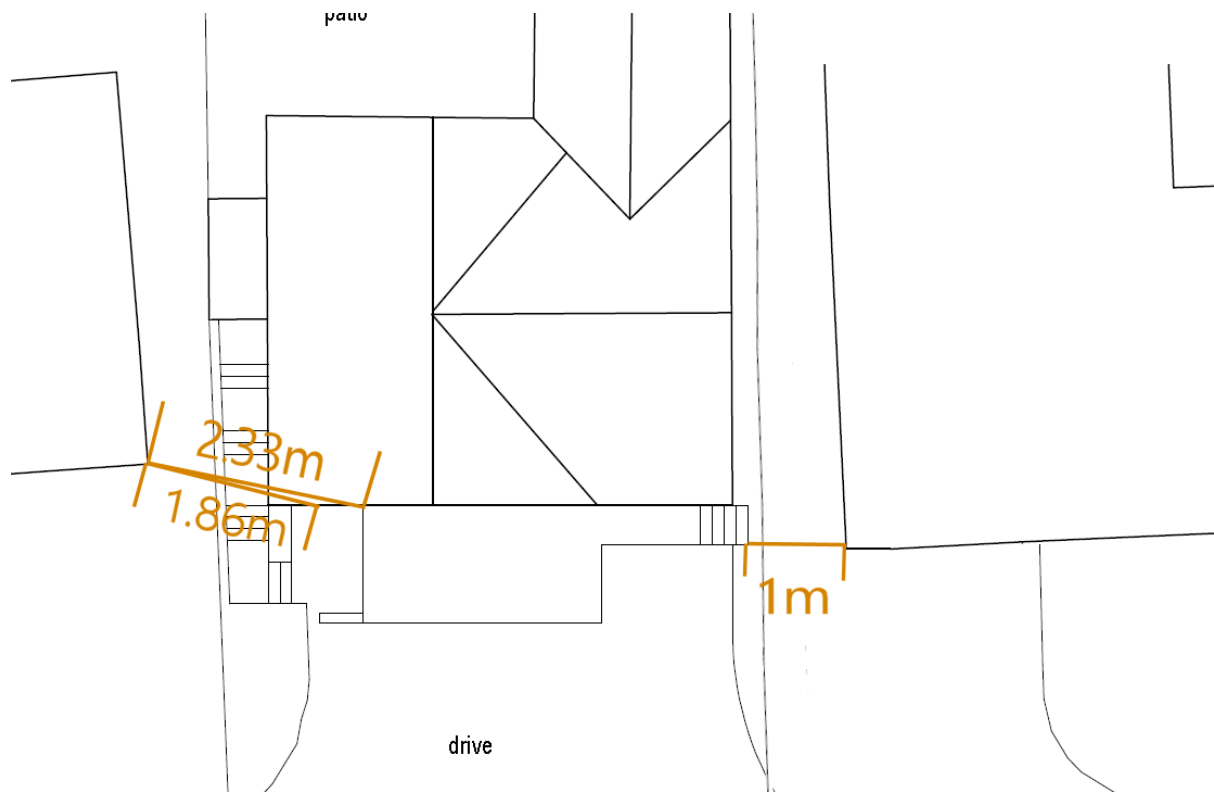


Material planning considerations:

- I. The overlooking and loss of privacy, for no.92, is not being given the same level of consideration as no.88.
- II. Any fire escape route leg should land on the drive of no.90, being the quickest and safest route: as per fire regulations.
- III. Opaque glass, the same height as no.88 should be proposed on both sides of the proposed terrace, such that users of the terrace cannot be seen from either neighbouring properties.

Distance

Previously, the distance between the proposed terrace and no.88's dwelling, was 186cm. This was subsequently increased to 233cm. The distance between the proposed terrace and no.92's dwelling is 100cm. The distance to no.88 was, presumably, increased to tackle overlooking and loss of privacy.



Material planning considerations:

- I. The fact the proposed terrace is intended to be almost twice as close to no.92, as to no.88, means our overlooking and loss of privacy is not being equally considered.

Proposed terrace

The proposed terrace has been reduced in size, compared to that proposed originally. Despite this being the third submission, not all of the materials, proposed to be used, have been identified. The support posts are shown at the front of the proposed terrace, but they are not proposed to be sited symmetrically, underneath the front corners of the proposed terrace. The left most post, closest to no.88, is proposed to be sited away from the remainder of the structure.

The closest comparable chalet style property, with a balcony, on Lingards Road, maintained the character of the original front elevation. Their balcony was tastefully built as part of a side extension. That balcony is on a five bedroom property, and is smaller than this applicant is proposing to add to his four bedroom property: based on the inaccurate and unreliable plans submitted. The existing balcony is also sited away from neighbours, not within a metre of them. The other neighbour has also arranged their internal structures to make them fire safe and secure. This means they did not need to add an unsightly and unnecessary fire escape leg.

The left support post is proposed to protrude, out from the proposed terrace, by 453mm. It can only be assumed, this is intended to accommodate two parking between the two support posts. Protruding, in this way, hardly complements the design. As the government states, "Design is the most important aspect of the planning permission process", one has to question the importance attributed to the quality of design employed here.

The question of design can also be directed to the fire escape leg that is proposed to be bolted onto the side, of the proposed terrace. Even ignoring the impracticality and serious safety issues of the proposed escape route it would lead to, this leg is an affront to good sense. The escape route should lead directly from the terrace to the drive. Leading as it does, to the 50-60cm wide obstructed and unlit path, is, in my opinion, negligent and preposterous.

Kirklees' own Local Plan states, "extensions [should be] subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers". The proposed terrace, combined with the huge tri-fold doors, are too big, and will dominate the property. These changes have completely changed the front elevation and, far from minimising the impact on residential amenity, they maximise it in terms of being overbearing and in terms of scale.

Material planning considerations:

- I. In my opinion, the proposed terrace remains over-bearing, out-of-scale or out of character in terms of its appearance compared with existing development in the vicinity.
- II. It does not adequately cater for the overlooking and loss of privacy both no.88 and no.92 have raised.
- III. The proposed terrace and tri-fold doors will dominate the property. The tri-fold doors already do.
- IV. I remain concerned about noise from its use and the disturbance I expect will result from its use.
- V. The proposed fire leg would direct people along a path that is wholly unsuitable for its intended use and, as such, would contradict fire regulations, which would make it contrary to government guidance and advice.
- VI. Because the flooring materials, for one, have not been identified, it is possible the proposed terrace and fire leg would be a potential fire hazard in itself. Without being stipulated, who knows?
- VII. The window, directly above the fire leg, opens. Fire regulations say it should not be able to be opened. Not that it should not be opened, but that it should not be able to be.
- VIII. The design, making the proposed terrace appear deformed, with its left most support post stuck out awkwardly, is perhaps functional, but unlikely to win any design awards; and completely unnecessary.

Stone wall - Right-hand side

To the right of the new front door, where the original walkway existed, there is a stone wall. This random stone wall has coping stones atop it. Properties don't normally have such walls in front of them. Normally, the wall would continue, uninterrupted, from the ground to the eaves.



This stone wall looks at odds with the property itself. It means the chalet's front elevation stonework is also out of character with existing chalet type properties, on Lingards Road.

Material planning consideration:

- I. In my opinion, the wall is out of character in terms of its appearance compared with existing development in the vicinity.

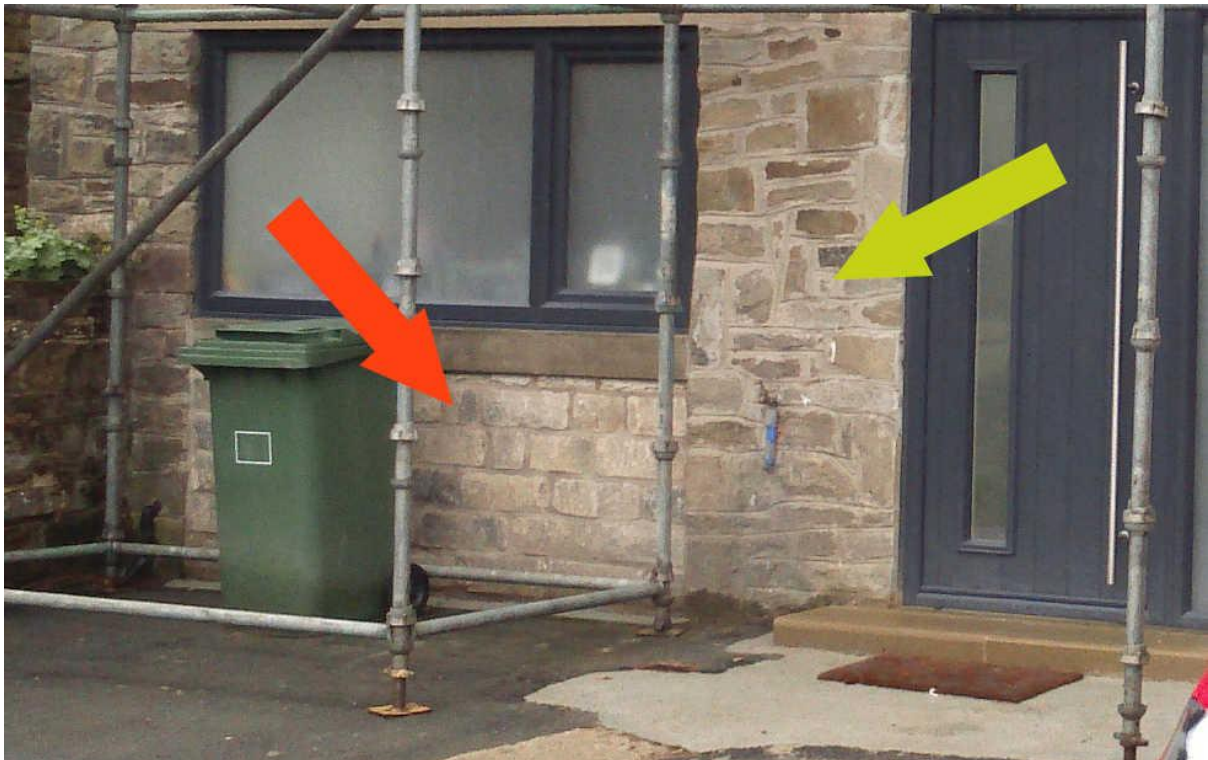
Stone wall - Garage door

The original garage door has been replaced; half with a window, half with a stone wall. The stone is not random shapes, being more squarely cut. The stone does not attempt to follow the same course of stone work, evident on both sides.

The photograph below shows the original random stone (green arrow) and the new square cut stone (red arrow). The distinction between the two could not be more obvious.

Use of this square shaped stone, instead of matching random stone, seems an ill conceived solution.

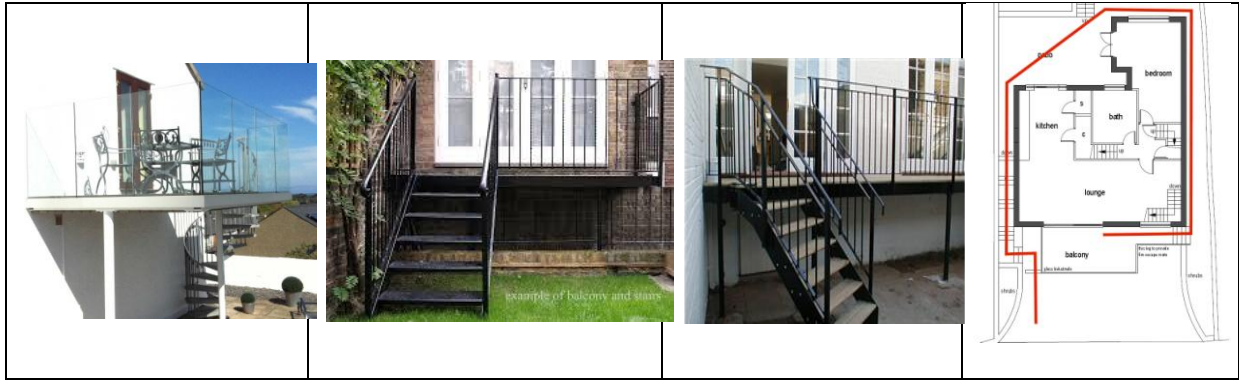
It is understood, the previous main entrance, on the eastern side, has also been replaced by the same non-random stone.



Material planning considerations:

- I. The incorrect finishing materials stonework, replacing the garage door, negatively affects the visual appearance of the property.
- II. In my opinion, this level of design and choice of material is unacceptable, as it negatively impacts the character and appearance of the area. I suggest it should be replaced.

Fire leg



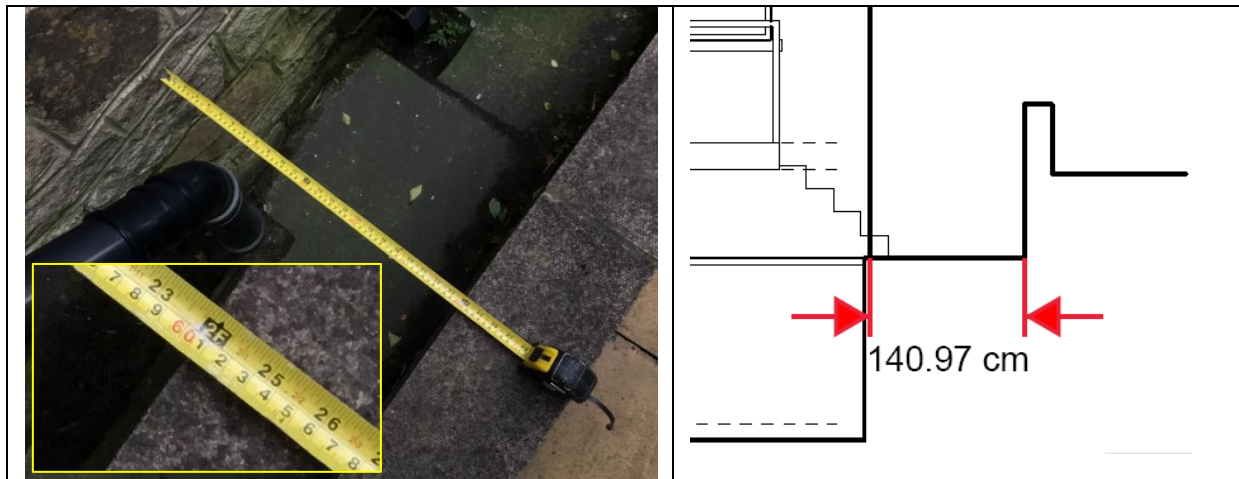
Fire escapes are invaluable, but, being aesthetically unpleasing, they are not typically seen at the front of properties. The applicant, in electing to have an open internal staircase, presumably, had the option of making the staircase secure (fire safe) or to have an external fire escape.

Safety conscious homeowners have fire escapes leading directly from their balcony to ground level, for the quickest safest escape route. The applicant, instead, would have people attempt to escape fully around the burning building, along a path that fails to meet fire safety regulations: Approved Document B (Fire Safety).

The proposed fire escape route is not much wider than an ironing board. I can imagine the ironing board has benefited from a greater level of safety and design considerations having been applied to it than, I would suggest, has been afforded to the proposed fire escape route.



Despite the width, of the escape route path, having been previously highlighted as only 50-60cm, and the submitted plans showing it to be 141cm, it has not been corrected in any of the two further submissions. From this, I can only assume the fire safety route is not being afforded the care and consideration it warrants.



It is possible, using any one of a number of designs, all meeting fire regulations, to have a fire safety staircase that lands on the drive. It's worth bearing in mind, the designs I'm aware of would not affect parking spaces, nor would they provide access in the opposite direction (drive to terrace), that might give rise to security concerns, so I see no reasonable explanation for pursuing the idea to route it around the applicant's property instead.

Based on the fact the fire escape route leg wasn't included in the original submission, I have to assume none was envisaged by the applicant. I also have to assume the applicant's designer had little or no understanding of building regulations, with respect to the previous main entrance and internal staircase changes proposed. If they had such an understanding, they would have realised an external fire escape would have then been mandated. That being the case, they would have factored one in originally, or suggested the proposed internal changes were altered to negate its requirement. As the internal changes took place without a fire escape being proposed, I have to assume no such discussion took place, which is quite staggering.

The applicant should change his internal staircase, to make it fire secure or have the fire escape route land directly on his drive.

Material planning considerations:

- I. The fire leg promotes overlooking and loss of privacy, using either exit from our property to the front of it, affecting our enjoyment and amenity at no.92.
- II. The visual appearance of the fire leg is dreadful, appearing like the after-thought it is.
- III. It ruins the symmetry of the proposed terrace and looks (and is) completely out of place.
- IV. From my perspective, the fire leg will produce noise and disturbance, resulting from its use, which I suspect will not just be as a fire escape.
- V. It's proximity to no.92, directly facing our property, is unnecessary and over-bearing. No.90 has already been extended so that it is closer to no.92. Allowing the proposed fire leg brings it closer.
- VI. Fire escapes/legs should not be built on the front of properties. They are not things of beauty and, sited conspicuously on the front elevation, are out of character for residential properties. It would also be out of character for properties in the vicinity: perhaps even within the whole village.
- VII. The original steps, demolished by the applicant, provided a fire escape route directly to the drive below. This safer and more suitable safety feature, that met fire regulations, has been sacrificed, along with the safety of those who might be forced to flee a real fire.
- VIII. The fire leg promotes access to an unsuitable escape route that fails to satisfy fire regulations. It is unsuited to fulfil its intended purpose and should be rejected.
- IX. The plans have repeatedly failed to meet the requirement for accuracy and correctness.

Respect the existing house

Kirklees Local Plan and Strategy and Policies - Design - 11.15 - "Extensions to existing dwellings should respect the existing house and adjacent buildings" - "Any alteration should respect the character of the streetscene".

The proposed terrace would not have respected the originally purchased property, which has been changed beyond recognition, within the last 5 years. Yet, this is the first planning application submitted since the property was purchased in 2012.

It could be said, the principal elevation has been changed so the proposed terrace can now be said to respect the existing house; see photo below:



Material planning considerations:

- I. The changes to the property cannot be said to respect the existing property (Kirklees Local Plan and Strategy and Policies - Design - 11.15), as it has been changed beyond recognition.
- II. The changes already made to the property have changed the streetscene. Adding the proposed terrace would only further that change.

Safety - Fire fighter access delay

The Government's planning website says, "Excavating to create a new basement which involves major works, a new separate unit of accommodation and/or alters the external appearance of the house, such as adding a light well, is likely to require planning permission."

We are also concerned about the potential risk of delay, concerning access by fire fighters, as a result of the basement development.

Building Regulations 2010 - PART 2 - Control of Building Work - Requirements relating to material change of use - Meaning of material change of use - (i) the building, which contains at least one room for residential purposes, contains a greater or lesser number of such rooms than it did previously.

Building Regulations 2010 - PART 2 - Control of Building Work - Requirements relating to material change of use - B5 (access and facilities for the fire service)

Building Regulations 2010 - Schedule 1 - Part B Fire Safety - Access and facilities for the fire service - B5 "The building should be designed and constructed so as to provide reasonable facilities to assist fire fighters in the protection of life"

The basement has been extended, creating 3 new rooms. These new rooms mean a material change of use has occurred. Material changes of use require access and facilities for the fire service to be maintained. However, we have concerns the proposed terrace could hamper fire-fighters in the protection of life. These concerns relate to the imposition and hindrance the proposed terrace could create, meaning access to the top bedroom window, above the proposed terrace, could be compromised. A ladder could not be positioned, on the ground, which would provide access to this bedroom, due to the size of the proposed terrace. Without any internal means of escape, any delay in reaching anyone trapped in that bedroom could have dire consequences.

Likewise, the proposed terrace could hamper fire service ladders being taken around the rear. Manoeuvring ladders around to the rear of property, under the proposed terrace, with potentially cars parked underneath the proposed terrace, could equally cause delay.

Material planning considerations:

- I. Building regulations, concerning fire safety, could be disastrously compromised by allowing the proposed terrace to be built.

Loss of amenity

"Objections that are generally valid include: The proposed development will have a negative impact on the amenity of another property, through **noise, overlooking, overshadowing, smells, light pollution**, loss of daylight, loss of privacy, dust, vibration or **late night activities**.²⁵"

- Noise - As mentioned above, the proposed terrace is not a small balcony designed for sober contemplation. It is more suited to act as a large living space, with social interaction and entertaining. Such a space is therefore more likely to produce noise that will travel and inconvenience neighbours. Reducing the pleasure and enjoyment of our property, inside and out, is what we believe the proposed terrace would bring, which is not something we would choose to endure. We fear the proposed terrace receiving planning permission could see this become reality.
- Overlooking - Presently, between the site of the proposed terrace and no.92's drive, there stand a few fern trees, maintained as a hedge. However, there are gaps closest to the properties. This gap would allow overlooking. Being in a higher more dominant position would discourage activities outside and enjoyment of our amenities.
- Smells - Should current or future occupants of the property decide to install an outside barbeque grill on the proposed terrace, which they could readily do, it would produce smells spreading to neighbouring properties, such as our own. They could do this despite the appropriateness of doing so. This would not be welcome, but could occur. With no control over what the proposed terrace could be used for, this is one scenario that could ensue. We fear the proposed terrace receiving planning permission could see this become reality.
- Light pollution - The planning application form, Section 10 - Materials - Lighting, states Not Applicable. We cannot imagine how the proposed terrace could be used without lighting. Once daylight goes, lighting would most likely be required to illuminate it, when the terrace was in use. Such lighting, dependent on brightness, could attract unwanted attention and cause nuisance to us and others. Leaving lighting off the form could result in something inappropriate being added, without planning being in a position to determine its appropriateness. We fear the proposed terrace receiving planning permission could see this become reality.
- Late night activities - Socialising and entertaining are two reasons people create large spaces, such as the proposed terrace. These activities are not restricted to daytime, being more likely to occur at night. Even when restricted to being inside, noise, for example music, is capable of being heard outside. When the space concerned is wholly outside, inside and out, or inside with large 4 panel tri-fold doors open, that noise is now going to be a whole lot louder. Travelling far, such noise would become a nuisance to neighbours, including us. Presently, the area is quiet and enjoyable at night, and, for that matter, during the day. We would not want to see that lost. We fear the proposed terrace receiving planning permission could see that occur.

Material planning considerations:

- I. The negative impact on the amenity of our property would likely result from the increase in noise, and potential smells, light pollution, late night activities and overlooking.

Building Regulations 2010 - Fire safety

The Building Regulations 2010, under Requirements relating to building work, state that after any work has been completed it, 'is no more unsatisfactory... than before the work was carried out'.

Prior to the applicants changes, the house was fire safe. Now, it is not.

The applicant changed the internal configuration of his first floor, in order to make it open plan. In so doing, he built a non-fire secure staircase to the ground floor. The non-fire secure staircase means the applicant left the property in breach of fire safety regulations. As such, the work contravenes building regulations, as it left the property in an unsatisfactory state. This means, anyone visiting or residing within the property was being put at risk. This has been the case for at least twelve months. It continues to this day.

This matters, not least because I understand there are three tobacco smokers residing within the applicant's property.

The fire risk is not contained solely to the first floor. The photo, to the right, depicts a collection of cigarette ends outside the side second floor window.

From the second floor, the main means of escape would be down a flight of stairs, which, if blocked, would

instead mean escaping by dropping several metres from the second floor side window, onto a worryingly and hazardous narrow pathway. The boundary wall, to the side of the pathway, is too low and concealed to jump onto, but high enough to potentially cause injury, when landing.

The safety of residents of, and visitors to, no.90 is a concern (due to the non-fire secure staircase) in terms of the increased risk.

Material planning considerations:

- I. The property has breached fire regulations and building regulations for at least twelve months and, with three residents understood to be tobacco smokers, fire has to be an ever present risk.
- II. Allowing the proposed terrace and fire escape leg, to facilitate fire safety is not mandated. Making the internal staircase fire secure is my preferred solution, for all of the reasons previously stated; in terms of design, suitability, appearance, and being out of character with neighbouring properties in the vicinity.



In conclusion

I see the attention to detail, afforded to the submitted plans, as being extremely poor.

There are so many inaccuracies, inconsistencies, and remaining questions, as to make serious consideration of the plan's merits extremely difficult.

Leaving the reader to interpret what is proposed is likely to lead to a significant mismatch between the applicant's intention, and the reader's understanding and interpretation; the result of which risks being seen as an affront to planning, with the potential to cause ill will; at the same time, having a long lasting negative impact on the area. This cannot be considered acceptable.

Neglect in accuracy, seen within the plans, is, in my view, hardly an encouraging sign. When the plans are lax and inaccurate, how can anyone have confidence the work undertaken (already or in the future) is accurate or sufficient either? This is particularly true when, throughout, building regulations and the applicant's neighbours have been treated with contempt and disregard.

For the avoidance of doubt, for the reasons given above, I object to the size and design of the proposed terrace, as well as, its proximity to no.92; in particular the fire escape route leg, which is not fit for purpose; movement of the driveway wall, which crosses the boundary and threatens the established trees; and the large overbearing tri-fold doors, which now completely dominate the property.

I also object to the basement extension, from the perspective that I have no confidence in it, in terms of its structural integrity, regarding the underpinning carried out, and its potential long-term negative impact on no.92. I also have to question the extent of excavation that has taken place, in terms of how far back the basement goes, in light of drastically changing plans. The missing wall is also a serious concern, as it impacts directly on the integrity of the underpinning, as (based on its absence from the plans) it appears to have been completely overlooked.

The proposed fire escape route, from the first floor and proposed terrace, is an utterly ridiculous proposal that surely cannot be taken seriously, as I believe it will endanger lives. This should be unconditionally rejected.

I believe the whole application should be rejected; or be properly thought through, have all its inaccuracies corrected, and then be re-submitted for comment.