

Comments on Planning Application 2020/60/93867/E

Prepared by:

21 Vicarage Meadow
Mirfield
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We write to express our serious concerns in relation to the above outline planning application.

1.0 Substantial loss of personal privacy and erosion of visual amenity

One of the great benefits of living in our home in Vicarage Meadow for the last 24 years has been the fact that we are not overlooked, and that we enjoy a high degree of privacy in our house, and in our garden. We absolutely love living here, and take great pleasure in enjoying the relative tranquillity of our sheltered garden, gazing upon the local birds, listening to birdsong and watching the wildlife which thrives to the rear of our property.

We value our privacy. It is wonderful not being overlooked and frankly, we never envisaged that one day this benefit might come under threat. We considered the existing development on Church Lane had fully matured. Indeed, given the prestigious nature of the Church Lane properties, the thought of a "garden grabbing" development, squeezed into a long-established green and partially wooded setting, was never contemplated.

Such is our existing level of privacy that rear curtains are seldom drawn, windows are regularly left open.

We are now extremely concerned that the visual and acoustic privacy and amenity that we have come to value in over the last two decades is under serious threat. As the land falls naturally from Church Lane to Vicarage Meadow, the proposed property would be in a markedly elevated position relative to ourselves, and directly overlook the rear of our home and rear garden. The existing topography means that the ground floor of the proposed building would be on a similar, possibly higher, level to our first floor. The recent felling of several tall trees has already removed some of the natural screening that has existed for many years, and facilitating the construction of a new build, so close to ourselves, would be severely intrusive.

Quite simply, the proposed development would be extremely overbearing. The pleasure of a private relaxing sunbathing session on our relatively secluded patio or the enjoyment of a barbeque with friends would be impinged. The overwhelming dominance of the potential development would be oppressive and inescapable. We feel it would constitute a most unpleasant encroachment on our hereto enjoyed privacy and the general amenity intrinsic to our property to the point of being positively invasive; both visually and acoustically.

The design and access statement submitted as part of this application states at 9.4 that "The new dwelling will be of a similar size and scale to surrounding residential properties. But the properties on Church Lane are, quite simply, massive. They are, arguably, some of the largest in Mirfield. This statement serves only to accentuate the overbearing dominance of the proposed dwelling.

The newbuild would also be much closer to our home than other properties on Church Lane. The currently proposed plot is, arguably, closer to part of Vicarage Meadow than it is to Church Lane itself. In this regard, our house would be the nearest of all nearby Vicarage Meadow homes to a Church Lane property.

Indeed, the existing distance between the front of our house and the offset facing property at 24 Vicarage Meadow is roughly 19 metres. The proposed dwelling would actually be closer than this to the rear of our property. As amplified below, the building plot location is completely out of character with a more natural positioning to the north-east of that currently advocated and should not be allowed.

We are aware that this is only an outline application; but with the cost of land being relatively high, and the value of the houses on Church Lane being in the upper echelons of local property values, it is not at all difficult to imagine that the final build might well be relatively larger than the current indicative footprint. The more dominant and more elevated the property, the more the erosion of our privacy.

Whatever transpires, we have an established right to privacy, and not to be overlooked and by a property that would be in a significantly elevated vantage point, relative to our own. This ability to look down and into our home from this higher position is materially different from a normal situation, where houses are typically situated across the road from one another, but on the same level. The situation here is manifestly different. It is absolutely essential that our existing rights, statutory or otherwise established and accepted, are fully protected.

Finally, nothing in the above arguments is intended to protect any existing private view or any potential loss in value that our own home may suffer as a result of this development, even though these consequences might transpire to be one of the outcomes, were permission to be granted. We recognise that, under law, we have no entitlement to such protection.

But we do strenuously wish to preserve our rights to privacy, and visual amenity. We look to Kirklees Council to protect these fundamental attributes, intrinsic to our property, and to the immediate residential community.

2.0 Drainage issues

Any construction impedes and alters the natural flow of water to the land which has existed since time immemorial. We are concerned that the provision of a soakaway to cope with surface water run-off will be insufficient to mitigate the potential problems that additional construction will entail. Eventually, soakaway water returns to ground. We are extremely worried that whatever drainage designs are constructed, the very existence of additional impermeable surfaces on sloping ground, so close to Vicarage Meadow, has the potential to create substantial problems for residents such as ourselves.

Indeed, we understand that our immediate neighbours at 19 Vicarage Meadow have already encountered problems with a water-logged garden. The local geology is dominated by clay. These concerns are very tangible and very real. We do not want to encounter similar problems.

Climate change is beyond dispute. Rainfall patterns look set to increase. Unless completely new drains are to be built and grafted into the existing network (assuming the network can cope with additional capacity) there needs to be adequate virgin ground for water to naturally dissipate and join the water table.

We are far from convinced that a soakaway can cope with the anticipated additional run off that the proposed development will create.

The natural sloped topography of the site, geological impermeability of the underlying clay dominated subsoil and the fact that our neighbours have already encountered water related drainage problems, all conspire to reinforce our belief that the proposed siting is completely unsuitable for the proposed development.

For the avoidance of all future doubt, should this application be granted, a new dwelling constructed and drainage problems as envisaged arise as a result, we reserve the right to hold Kirklees Council accountable for any damage, remedial costs and inconvenience caused as a consequence of allowing the development.

3.0 Loss of natural urban habitat and potential reduction in associated wildlife amenity

Looking out, and being enthralled by the myriad of different birds, regular visitors to our various bird feeders, is a wonderful pleasure to enjoy; it is absolutely captivating.

We frequently welcome blue tits, coal tits, long-tailed tits, goldfinches, bullfinches, chaffinches, greenfinches, nuthatches, wrens, dunnocks, house sparrows and a greater spotted woodpecker or two. And that's not to mention the more common members of the avian world including robins and blackbirds; even a cock pheasant of late.

There are days in summer, when we have seen the hedge line come alive with all kinds of exquisitely coloured butterflies as well as nectar searching bees. And as evening descends, bats leave their roosts and have been seen from our patio, darting and diving as they feast on nearby echo-located swarms of midges and other airborne insects. When dusk gives way to nightfall, it's time for the local resident owl, seldom seen but frequently heard, to remind us of his neighbourly presence.

Of course, we must not forget the family of urban foxes that we love to observe on many days; and often hear, especially on mating season nights.

Priceless pleasures; a real privilege; a treasured amenity.

We believe that one of the key reasons for the abundance of local wildlife in all its' diversity, is the unspoilt nature of their immediate habitat. Havens, such as that which exists to the rear of our property, are very important to the environment and wildlife; particularly so in an urban setting.

And whilst we appreciate the need for sustainable urban development, certain lines need to be drawn. We firmly believe that the undeveloped nature of the proposed site behind our property is, in large measure, the reason for the richness of the local biodiversity.

The fact that there are no dwellings situated between Church Lane and Vicarage Meadow has led to the establishment of a building free natural urban corridor. The proposed new build would disrupt this wildlife thoroughfare.

In summary of this point, more development in the immediate locality can only be to the detriment of the natural environment and the birds and animals who live there.

4.0 Violation of existing build line

The proposed siting does not follow the natural build line of all other properties on Church Lane. The planning authority have a duty to consider the overall aesthetic and future development precedent that such an out of line siting the proposed development might constitute. It is incumbent on the local authority to ensure that any new dwellings follow the established build line that has existed for decades. And if this means relaxing/reassessing the Tree Preservation Orders in order to facilitate a more natural positioning, so be it. The visual amenity of the neighbourhood is paramount.

Indeed, we are particularly concerned about the precedent that this development, if realised, may lead to. Many of the properties on Church Lane have large rear gardens and could accommodate new building plots. In turn, this would increase the density of housing in the neighbourhood. It would erode the cumulative residential amenity of Vicarage Meadow that has existed for 30 years or so.

The proposed positioning is out of character with existing properties; it would have a negative effect to the detriment of the neighbourhood.

5.0 Inaccurate submission

We would draw your attention to the fact that the block plan, submitted in connection with the application, is inaccurate. It fails to take into account the existing extension at the rear of our home. Hence the provided dimension of 22.4 metres is incorrect. The distance between the proposed siting and our own home would be around 20% less than that indicated. This is a material error. Given this misrepresentation we would not automatically accept all other aspects of the drawing are correct.

Indeed, we believe that it may not be lawful for the LPA to make a determination based on incorrect and wrongly labelled dimensions submitted as part of a planning application

Of course, this closer proximity serves only to accentuate and reinforce many of the concerns expressed in the above.

6.0 Potential reduction of natural light / overshadowing

We are concerned that the proximity and dominance of the proposed new build will impinge the amount of light we enjoy in our garden, our main lounge, our extension and our rear bedrooms. We recognise that such concerns need to be validated by professional studies and in their absence, feel unqualified to comment further at this point in time. It is, however, essential such reports are commissioned and factored into any determination prior to it being made.

7.0 Conclusion

In conclusion, we submit that there are a number of material factors which work against the granting of permission for this application.

This development would significantly change our living conditions, particularly with regards to our privacy. It has the potential to create drainage problems for residents on Vicarage Meadow. It would negatively impact the immediate ecology. It would not be in harmony with the siting of other Church Lane properties. The accompanying block plan understates the proximity of the development to our home. There is a potential negative reduction in the amount of natural light existing Vicarage Meadow properties currently enjoy.

We strongly urge the local authority to take serious heed of the above and address this application in the light of these expressed concerns.

We ask that this application be refused.