

15 Infirmary Road
Dewsbury

West Yorkshire

WF13 2JG

28th April 2021

Kirklees Planning and Development Services

Economy and Infrastructure

Kirkless Council PO Box B93,

Civic Centre 3 Huddersfield HD1 2JR

Dear Ms Booth,

Your ref: 2020 62/94307/E – Planning application, 1 Chadwick Crescent WF13 2JF. Erection of two storey side and rear extension and single storey front extension.

I write in connection with the above planning application. I have examined the plans and I am familiar with the site. I strongly object to the proposed development.

It is apparent from examination of the title deeds in respect of 1 Chadwick Crescent that the boundary line of the property runs in a straight line from the end of the garden, along the garage wall where it then meets the pavement. Having measured this part of the plot I can confirm that it extends to 2.6 meters in width. It is therefore completely unlawful for the owners to propose to extend the property on the side to 3 meters. The plans as submitted effectively mean that the owner of 1 Chadwick Crescent is proposing to steal the land of 15 Infirmary Road.

This position is supported by the copies of the correspondence served on Kirklees council in February 2021 that were sent to both Mr Chaudry and his Agents Faum Architecture. The material provided included copies of title deeds belonging to both properties, a copy of a Land Survey report completed by First Point Surveys and the email which set out the position comprehensively and clearly. Mr Chaudry and his agents were advised that if they sought to challenge the evidence then they would need to counter serve a report from a chartered land surveyor or other suitably qualified professional. To date no such material has ever been served and therefore in accordance with the contents of the email we have inferred that they do not refute this position.

The wall and bushes on which they propose to erect the single story side extension are all located firmly within the boundary of 15 Infirmary Road. As such there are legitimate concerns that the plans submitted are not accurate in depicting the boundary line of the existing site.

Additionally, once again the owners of 1 Chadwick Crescent are seeking to mislead the Planning Officer by the affirmation on certificate B as submitted. It is factually inaccurate, given that at no point have they or their agents given the requisite notice to us, who on the day 21 days before the date of the application was the owner of any part of the land or building to which the application relates.

It is recognised that the proposed extension is of a scale that can be considered comparative to more recent developments in the wider area but planners are urged to distinguish this from others on the estate due to its positioning and unique relationship with 15 Infirmary Road. However, one of the primary concerns relates to the location of the existing dwelling, the proposal would attach onto the boundary of 15 Infirmary Road which is at an elevated position. If permitted the development would result in a building that would be at odds with its surroundings and thereby detract from the area. The combination of the site location, its setting, the unusual relationship with 15 Infirmary Road as well as the size of the proposed development, all results in an application that is ill considered.

Furthermore 15 Infirmary Road is a property that sits on higher ground and has previously been granted planning permission to be extended to the rear as well as the side. The side of the property has been extended in 2011 and the foundations have been laid for the original kitchen area to be extended to the full width of the permitted planning permission. The work is due to be commenced shortly. Consequently, both properties are already situated in close proximity with one another. If the proposed application were granted it would have a detrimental impact on 15 Infirmary Road due to the closeness of the properties post construction this would be at a distance of less than 6 meters at the closest point. The impact of this would be felt far more severely by number 15 given that this area of the development looks directly on to the proposed side extension of number 1 but it is the rear of number 15 and impacts across all habitable rooms as well as the kitchen.

The visual amenity of neighbouring properties would be impacted significantly. The sheer scale, design and location of the proposed development would result in an obstructive and incongruous feature, which would not relate satisfactorily to the character and appearance of existing surroundings in the Oxford Park Development.

Moreover, the proposed extension would result in the overdevelopment of the site which inevitably would be harmful to the character and appearance of the area as well as the setting of 15 Infirmary Road. It would almost eradicate the garden of 1 Chadwick Crescent. To permit the development would be contrary to policies PLP 24 (a) (as modified) and PLP 35 (as modified) of the Kirklees Local Plan, as well as the aims of Chapter 12 of the National Planning Policy Framework, which seeks to achieve "good design". Furthermore PLP, 24 (as modified) requires all new development to respect the scale height and design of adjoining buildings/properties, which this proposal simply fails to do.

A substantial mature Sycamore tree, protected by a Tree Preservation Order (TPO) is in the garden of 15 Infirmary Road. This tree provides significant amenity value to residents and users of both Infirmary Road and Chadwick Crescent. The proposed front extension is positioned either within the edge or very near to the edge of the tree's root protection area, I note this is now shown on the amended plans but it is not correctly marked on the site. Additionally, given the height and species of the tree, the

canopy/crown spread of the tree clearly overhangs the front and side of the site and this would result in the dwelling being heavily shaded. All of this is highly likely to result in an increase in pressure to either prune or fell the tree in the future. The development would therefore prejudice the continued viability of the protected tree, contrary to policies PLP,24 (as modified) and PLP, 33 (as modified) of the Kirklees Publication Draft Plan.

There would be significant loss of daylight to a primary ground floor room windows as well as the external areas of 15 infirmay road. The entire side extension would result in an unacceptable level of overlooking and loss of privacy given the number of windows and sheer scale of the proposal especially when considered with the raised height of 15 Infirmay Road.

I note that the plans show a total of 6 windows along the side extension, two windows in the front porch extension and a further window in the proposed top floor. These windows would either be within the land of 15 infirmay Road given they are proposing to build on their land or looking directly onto the garden. Kitchen, Living rooms and bedrooms of number 15. Furthermore given the plans show they intend to build in the garden of. The fact that raised windows have been proposed does not alleviate these concerns given 15 Infirmay Road is on a higher ground and they would if opened have unobstructed view across the whole of the plot. This would infringe on Article 8 of the ECHR The right to Respect for private and family life.

Furthermore, the boundary of 15 Infirmay Road at the point of where it connects onto the garage of 1 Chadwick Crescent has a raised area which would be extremely overlooked if the planning application were approved, indeed, as would the entire side of the garden. The loss of privacy in this context, consequently the proposal presents an unacceptable loss of amenity to the occupiers of 15 Infirmay Road and thus conflicts with the Kirklees Local Plan.

The height of the proposed development with particular regard to the side and rear elevations would create extreme overbearing, overshadowing and would result in a visually intrusive impact. In part this would be due to the close proximity of the dwelling buildings. Specifically, this exacerbates the adverse impact resulting from the proposals over dominance and overbearing which would be more profound once the kitchen is extended as intended.

The application has a significant detrimental effect to the amenities enjoyed by the occupiers of nearby properties but in particular to 15 Infirmay Road, as such would it fails to comply with the Kirklees Local Plan. It is important to note that presently the current dwelling and the detached garage on the plot are staggered and there is a gap between the two buildings.

The proposed 14 meter side extension would almost entirely connect with the existing detached single garage, as shown on the submitted plan. To grant the application would inevitably result in the occupants of 15 Infirmay road having to look directly onto 20 meters of brick walling in length. This would be at a distance of less than a few centimetres from the garden and at most several meters from habitable room windows. This would decimate the visual amenity currently afforded to the occupiers of 15 Infirmay road and other neighbouring properties.

I hope the above objections and observations of how the development conflicts with both Kirklees Planning Policies and the National Planning Policy Framework are given due consideration.

Yours Sincerely