

31st May 2021

Kirklees MC – Planning and Development Management
PO Box BP3 CC3
High Street
Huddersfield
HD1 2JR

FAO Mr N Bearcroft

By email only: dc.admin@kirklees.gov.uk

Dear Mr Bearcroft

2021/62/091239/W – Redevelopment of 410 & 412 Birkby Road, Huddersfield, HD2 2DN

I am writing to make representations in respect of the above planning application, and I would like to begin by endorsing the comments submitted separately by _____ of Micklethwaite Planning Consultancy, on behalf of the Diocese of Leeds. These comments should be read as complementary to the detailed information he has provided.

I live at 9 Valley Head, which borders 410 Birkby Road to the rear. We are responding to the above application from our perspective as residents of a neighbouring property.

Introduction

The details that follow need to be read alongside the environmental and aesthetic concerns which underlie them. The woodland area affected by the proposals is made up of majestic mature trees including beech, ash and sycamore. These magnificent trees are part of a wildlife oasis in the middle of this part of Birkby. We have seen from experience at our previous home how such trees can be damaged and destroyed by building works being carried out too close to them. Their loss would be a tragedy not just for us as neighbours but for the whole locality. These ecological concerns are at the heart of what we have written here.

I would like to draw your attention in particular to the potentially misleading nature of the material submitted with the planning application for 410 & 412 Birkby Road, especially regarding the topography of the site, the scale and massing of the proposed new buildings, the risk of damage to trees which are covered by a TPO, the impact on the privacy and residential amenity of neighbouring properties, as well as ecological and wildlife considerations. Many of these issues relate to a failure to take adequate account of the significance of previous planning decisions about the site.

These issues would be best understood through a visit to view the site seen from the perspective of our home and garden, and taking into the account the wider situation of the proposed development. I will outline these issues further in what follows.

Impact on Trees under TPO

As referred to in [redacted] letter, planning permission for Development 2013/70/93405/W, which related to the construction of a detached garage at 410 Birkby Road, prohibited any development in a specified area for the following reason: "To maintain effective control of the site in the interest of protecting the mature trees covered by a Tree Preservation Order, in accordance with Policy NE9 of the Unitary Development Plan." This area is shown on the plan below:



The hatched area directly adjoins the wall of the existing house at 410 Birkby Road, and the proposed development would significantly breach the protected area, in respect of the new house itself and even more so the very substantial retaining wall which would be required. Furthermore, construction of the retaining wall would require access for heavy machinery across virtually the whole of the protected area, causing severe damage to the roots of the trees.

We note that work has recently been undertaken to reduce the canopy of the trees, which gives the appearance of greater distance between the trees and the house, but consideration must be given above all to the need to protect the roots of these ecologically valuable trees, so that they do not suffer irreparable damage.

Needless to say, if any of these huge trees or any of their very large branches were to fall, the risk to life and property would be considerable and potentially render the Council liable as a result of a failure to ensure adequate protection of the trees.

Wildlife

The application alleges that there is limited evidence of wildlife at the site, but takes as its point of reference 408 Birkby Road, which is well away from the above mentioned woodland area, and backs onto the car park of the Church of the Latter Day Saints.

A visit to our side of the site will reveal how extensive the wildlife really is, including a large number of nesting birds, bats (seen regularly in our garden), foxes and deer, as well as evidence of badger activity in the recent past.

This woodland is a green lung for the local area and must be preserved on ecological grounds. It adjoins to the north a woodland priority habitat network, designated to allow the free movement of species through the area. Photos are attached below, giving examples of the variety of wildlife in our garden.

Privacy and Residential Amenity of Neighbours

The existing houses and garages were permitted within strict limits in order to preserve the privacy and residential amenity of neighbouring properties. This is made clear in the original planning decision (2002/62/92426/W) and in the 2013 variation to that decision (2013/70/93405/W). These considerations underlie the decision to grant permission for a bungalow rather than a two-storey house.

The proposed new house at 410 Birkby Road, the ground level of which is around 4 metres above that of our home, would be both closer to us and much higher than the existing property, in each case by several metres.

The retaining wall would completely change the visual aspect of the property, replacing woodland vegetation with a substantial concrete wall, utterly out of keeping with the existing environment.

The new property would be 3-4 metres higher than existing and would replace the current dormer bungalow with an additional storey and a much more substantial roof.

The scale and massing of the new house would be completely overbearing and would visually dominate our house and garden, especially from November to April when the trees are not in leaf. This is clearly contrary to the intention of the original 2002 permission for the construction of a bungalow. We strongly contend that only a similarly sized and situated bungalow should be permitted on this site in the future, for the same reasons that applied in the original decision.

In addition, the ground floor windows on the eastern elevation and the first floor glazed balcony would intrude significantly on our privacy, giving direct sight into not only our garden but also into our principal upstairs and downstairs rooms, especially during the winter months. The addition of the proposed windows would be directly contrary to the provisions of the original 2002 planning permission and the 2013 permission relating to 410 Birkby Road, both of which include clauses prohibiting the insertion of additional windows and openings in the dwelling. (2013/70/93405/W Paragraph 4 - "No additional windows or openings shall be inserted in the side elevations of the dwelling hereby approved." See also 2002/62/92426/W Paragraph 9)

The current screening hedge would be removed and it is very difficult to see how the loss of privacy could be avoided or alleviated, for instance through the planting of new hedges, given the topography of the site and the height differences involved.

In regard to the use of the garden, the property was purchased by the Diocese of Leeds as the official residence of the Bishop of Huddersfield. The privacy and tranquillity of the garden was an important factor in this, as it is expected that the Bishop will use the house and garden for official entertaining, including groups of clergy and lay people, as well as civic guests, on a regular basis.

My roles as Bishop of Huddersfield and as the Church of England's Lead Bishop for Safeguarding mean that this can involve sensitive and confidential pastoral conversations, for which privacy is most important.

The peace and seclusion of the wooded setting of the garden also lends itself to groups and individuals coming for times of prayer and quiet reflection, all of which would be adversely affected by the new development.

Other Issues of Concern

Beyond the direct impact of the proposed development on us as neighbours, we would also like to raise the following additional concerns:

- The proposals would represent an over-development of the site of 410 & 412 Birkby Road, particularly bearing in mind the topography of the site, much of which is taken up by steeply sloping garden and woodland.
- The greatly increased size and proposed design of the two new houses would seem out of keeping with the nature of existing development in the vicinity.
- The proposal to include office (or possibly living?) accommodation above a very substantial new garage, together with the proposal for a large number of additional parking spaces, would add to the over-development of the site and potentially constitute a change of use for the properties. They would also risk significantly increasing traffic flow on the lane from Birkby Road, not only inconveniencing neighbours but potentially causing congestion on Birkby Road close to the junction with Halifax Road, particularly at peak times.

Conclusion

We are deeply concerned about the potential impact of the proposed development, and would question the public benefit of demolishing two high-quality five bedroom homes to be replaced in the manner proposed. We would strongly urge that the current proposals should be rejected and that any decisions about future development should be guided by the following principles:

- Adhere to earlier planning decisions, especially regarding the location, size and height of the house at 410 Birkby Road, including its construction as a bungalow.
- Ensure the protection of trees and wildlife.
- Maintain the existing privacy and residential amenity of neighbours.
- Take into account concerns about over-development, the nature and scale of the proposed design, and the potential impact of increased traffic flow.

We would be grateful if you would please acknowledge receipt of these comments. If any changes are made to the application proposal, we would welcome the opportunity to comment further.

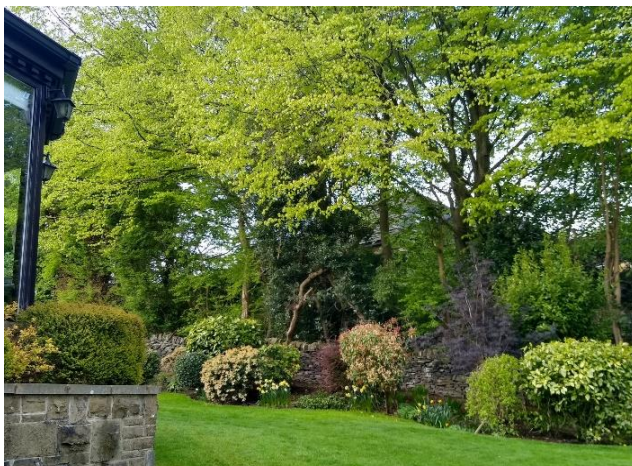
With thanks for your assistance.



WILDLIFE IN THE GARDEN – DEER AND FOXES



VIEW TO 410 BIRKBY ROAD – WINTER AND SPRING



VIEW OF BEECH TREES IN SPRING



VIEW OF SCREENING HEDGE