

## About the application

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| Application number: 2021/91239   |                                                                                  |
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| What is the application for?:    | Demolition of existing dwellings and garage and erection of two detached dwellin |
| Address of the site or building: | 410/412, Birkby Road, Birkby, Huddersfield, HD2 2DN                              |
| Postcode:                        |                                                                                  |

## User comments

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| Type of comment: An objection                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |     |
| Do you wish your comments to be published on the website anonymously?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Yes |
| <p>I wish to confirm my objections against this Planning Application. To be clear, I have no objections for new dwellings to be constructed, but surely KMC should take into consideration the existing properties and the surrounding areas.</p> <p>These properties to be constructed in the magnitude as currently drawn are not in keeping within a conservation area in in Kirklees.</p> <p>These properties would look in keeping if constructed in Hollywood or Disney Land and not Birkby.</p> <p>The previous planning approval for this property was to construct a bungalow due to the proximity to the boundary and neighbouring properties. Therefore, based upon previous approvals why would consent be given for a two-storey property of the magnitude that is currently being proposed.</p> <p>I would further add that within the previous planning application for 410 a precedence was set due to the close proximity of the proposed building.</p> <p>Within the decision notice it states;</p> <p>4. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Act or Order with or without modification) no additional windows or openings shall be inserted in the side elevations of the dwelling hereby approved.</p> <p>Reason: To protect the privacy of adjacent residential properties and to accord with the aims of Policies BE12 and D2 of the Unitary Development Plan.</p> <p>Surely the same principal must be followed as the proposed dwelling not only is closer to the boundary but will now be two stories high and will sit considerable higher than the neighbouring properties.</p> <p>Also, within the same decision notice, reference was made to the protection of the woodland area and that "no buildings or extensions shall be erected in the area hatched red on the approved site plan received 29 October 2013".</p> <p>Reason: To maintain effective control over the site in the interest of protecting the mature trees covered by a Tree Preservation Order in accordance with Policy NE9 of</p> |     |

mature trees covered by a Tree Preservation Order, in accordance with Policy NE9 of the Unitary Development Plan.

The current proposed development shows the boundary of the house will sit well within this area that is currently covered by a Tree Preservation Order. Furthermore the line of the concrete retaining wall will sit beyond this point.

The existing property is currently located on the boundary edge of permitted development with the new property being located over the boundary line further towards the neighbouring properties.

The line of the retaining wall that is identified on the current plans also sits within the protected woodland covered by TPO 19/14/w2.

What needs to be taken into account is the number of trees, shrubs, hedges etc that will have to be removed to ensure that the retaining wall can be constructed?

Kirklees Policy in achieving sustainable development states;

When considering development proposals, the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

How does "take a positive approach that reflects the presumption in favour of sustainable development" comply when two newly built dwellings are being proposed to be demolished and replaced with structures that sustainably bigger than what is already in place.

I note that an additional of 15 number parking spaces seems somewhat excessive for a 5 bedroom house.

Kirklees Council have approved plans for a series of 5 bedroom houses in a neighbouring plot that all have double garages and two parking spaces per plot.

Therefore, why would 15 additional car parking spaces be required. The home office that is required to be constructed as part of the double garage will surely require a change of use from residential to commercial property.

The home office that has been shown is a typical size for a 12-15 person office, which aligns with the additional parking spaces – THIS IS NOT A HOME OFFICE.

KMC have set a precedent with previous applications being rejected on the grounds of over bearing and over development.

One example of a neighbouring properties was that a single store side extension with a dormer window was rejected on the grounds of over bearing to the next door neighbours.

The line of the extensions sat behind the line of the neighbouring property so I am unsure as to what ground the rejection was made on the extension being 'over bearing'.

For KMC to allow this level of works to be carried out it shows a lack of respect for the community and that not everyone is treated with the same level of consideration, therefore why have rules and guidelines.

For KMC to allow this development they must take into consideration that they will be liable for the destruction of a woodland that is covered by a Tree Preservation Order not to mention the wildlife that will be effected as well as setting a new precedent that the rules and regulations that we all currently follow no longer exists.