

From:

[DCAdmin](#)

Subject:

Comments on Planning Application 2021/62/91239 - comments by 2nd June

Date:

01 June 2021 15:57:36

Anonymity not required

COMMENTS AND CONCERNS

We have a number of comments and concerns regarding the above application

The application states both existing large 5 bedroom properties and one detached double garage to be demolished and replaced by two new large 5 bedroom properties and a double garage with a large home office above.

We can understand, to some degree, 412 being demolished and rebuilt to face across Grimscar valley to enable enjoyment of the view.

However we do object to the plan for 410, given its proposed position. The existing large 5 bedroom dormer bungalow already faces across Grimscar valley. The proposed plan shows the replacement larger 5 bedroom house encroaching into the protected woodland to its east.

The plot that the current 2 large properties are situated on is surely big enough for architects to design two bespoke replacement homes suitable for the families needs WITHOUT encroaching into and destroying protected woodland

This woodland is apparently High Spacial Priority Woodland with tree preservation orders. The proposed house would lead to felling of trees covered by TPOs plus smaller trees and shrubbery

In 2013 on the decision notice for application 2013/93405 a site location plan shows the area of this woodland that is within the boundary of 410 hatched red.

Point 3 within the Kirklees planning decision notice for the above application states “no buildings or extensions shall be erected in the area hatched red on the approved site plan received 29/10/13 “. “Reason - to maintain effective control over the site in the interest of protecting the mature trees covered by tree preservation orders.”

Point 4 of the same decision notice also states “no additional windows or openings shall be inserted into the side elevations of the dwelling hereby approved“. “Reason - to protect the privacy of adjacent properties “

Yet, only just over 7 years later, Planning is being asked to consider an application that parts of are totally contrary to the above decisions and the reasons why.

Not only would building into the woodland and very close to the boundary mean felling TPO trees plus other trees and shrubs but because 410 plot slopes down to the boundary a large long retaining wall and pile driving within the woodland would be needed to support the proposed house. How on earth can these major works be considered appropriate in protected woodland and even actually take place in such a restricted space. The woodland should remain exactly as it is and not be replaced with a visually assertive retaining wall and large house so near its eastern boundary. Part of this retaining wall could extend adjacent to our property. If there are any trees remaining any damage to their roots and growth from the pile driving may not become apparent for 2-3years. These are very large mature trees whose roots will radiate in all directions- including eastwards to our home and

those in Valley Head given their proximity . We are adjacent to 410's eastern boundary and this woodland . We would hold Kirklees MC jointly liable if this work is approved and any damage occurs to our property by trees weakened or falling because of these and destructive parts of the application .

Please be consistent with the decisions made by yourselves in Planning only 7 years ago
-No buildings or extensions into this woodland.

We are pleased the Consultee Response from KC on 26/5/21 confirms that the layout and design of the current proposals would cause unacceptable harm to the protected trees and therefore does not meet the relevant quoted policies. This re-confirms the above Planning decision condition in the 2013 application above.

We would also like to add the following comment to this consultee response, regarding the wording on problems for residents with leaf fall and moss etc. These things are part and parcel of owning a home in close proximity to trees and have to be accepted as such.

We also have concerns on the accuracy of the Ecological Report

1. In section 3.2.3 it states no active nests during the survey

As the survey took place on 26/2/21 in the middle of winter that is hardly surprising!
Birds nest in this woodland in spring and summer every year

2. In section 3.2.2 it states no records of Badgers. That doesn't mean there aren't any.
Neighbours have commented on watching the badgers, but unless people know how to or even want to submit an official sighting report then there won't be any 'records'

3. 3.4.2 and 4.2.1 Bats(pipistrelle) -

' no sightings within 500metres of the woodland' 'No evidence of bats found'

We have lived here for 36 years directly adjacent to this woodland. We watch the bats flying at dusk in summer every year. In fact we have had 3 episodes of bats flying in through our open windows on hot nights over the years. Bats hibernate and also the website states that it is almost unknown where pipistrelle bats actually hibernate, despite the numbers then sighted later each year. So it is hardly surprising that the survey on 26/2/21, in winter, that no evidence of them was found. There must certainly be bats within 500m of the site.

The application also wants to increase the parking spaces for the two properties to 15. We are really concerned as to why there is a need for 15 parking spaces for two 5 bedroom properties. Kirklees has already approved a 6th property (built about 15 years ago) on the private drive, rather than keeping to the maximum of 5 . In a recent decision to approve a detached garage at a property on the private drive one reason given was that it 'wouldn't intensify vehicular movement to and from the site' . This application though includes for parking for 15 cars-accessed by this single lane shared private drive. This would surely indicate an increase in 'vehicular activity'.

We have to question why 15 spaces are needed. A home office above the double garage is on the plans for 412 but this should be for the enjoyment of the residents only and that in itself wouldn't increase the need for additional parking. Any business activity would need a change of use application of course and wouldn't be appropriate in a residential area and when the only access to it is via a one car wide private drive serving four other homes plus the 2 in this application . Also, the entry point to the private drive is only about 70 yards from a major traffic light controlled very busy junction with Halifax road. Indeed our Title Deeds and others on the private drive specifically state our properties can't be used for business purposes.

We can't see a gate across the shared entrance to the two properties on the application . However if one is planned it needs to be in such a position that it facilitates a 3 point turn in the area immediately outside it so that any vehicle unable to access the properties can turn and drive back down the private drive in a forward motion and not reverse all the way back to Birkby road

The square of land part way along the drive , immediately by the entrance to our house 406, is jointly owned with 404 and doesn't and never has formed part of the private drive . If or whatever plans may be approved this square obviously mustn't be used by any type of works vehicles to turn in either.

Demolition and rebuilding (removal of debris from demolition ,stone and concrete etc deliveries, heavy plant for pile driving etc)- the disruption from a project this size would be significant for us and other residents of the drive . How some of the vehicles / heavy plant needed would even be able to negotiate the narrow private drive with a bend in , bordered by dry stone walls, is also a concern.

406 Birkby rd
Huddersfield
HD2 2DN