

From:
To: [DCAdmin](#)
Subject: Comments on planning application 2022/62/92882/W
Date: 29 November 2022 22:28:41

Hi

Attached is a pdf with my comments about this application. As the person probably most affected by it, I have many more than 500 words to say! I have also attached two further files that support comments I have made in the main document, I didn't want to put them in the document itself and make it even larger. One is a copy of a document I sent to Kirklees in 2009 that mentions problems with traffic in the lane and building of the barn, the other is a copy of the Land Registry title from 1931 showing that I have right of access over a larger area of the lane than is shown on the current version.

Regards

747 New Hey Road

From: , 747 New Hey Road, HD3 3YL.

Re. Planning application no. 2022/62/92882/W, 749 New Hey Road

Date: 29/11/22

As the owner of the house immediately adjacent to the lane leading to 749 I will be delighted to see the farmhouse improved but am very concerned about the higher volume of traffic that would be using the lane if the number of dwellings is increased. It is very narrow (3.2m) and totally unsuitable for use by any more than a few cars, let alone construction, delivery and refuse collection vehicles and the 14 cars being provided for. Many years ago the then owner of 749 used to drive a horse box up and down the lane and struck both my front and rear walls on several occasions (an example in Photo 1, which I have mention of in a solicitor's letter). I'm also concerned about possible structural damage to my large gable end wall. As well as by direct impact, large heavy vehicles could cause movement that will affect the foundations of my wall. On the inside of the wall below ground level it is not solid but mostly cellar area. Simply resurfacing the lane will not make it capable of supporting many tonnes and raising the level of the lane will cover two air bricks that are needed to ventilate my cellar.

The document 2022-92882_+Design+and+Access+Statement_949888.PDF shows a photo with a nice clear road making it look like exit from the lane is easy. Having lived here for nearly 40 years I can say that is rarely the situation, perhaps only so during the day time. In the mornings there are usually cars parked all along the road side to the right (when leaving the lane) with some partly on the pavement, making it impossible to see what is coming (Photo 2). Sometimes there are also vehicles parked on the left, outside the flower shop. This means edging forwards very slowly into traffic that is often travelling at over the 30mph speed limit, which is a dangerous and slow procedure, frequently taking several minutes. There will be longer delays if a number of cars are making that manoeuvre, leading to frustration and then possible risk-taking when pulling out, increasing the chance of there being an accident.

Similarly, coming from the J23 roundabout to turn left down into the lane is very difficult and a tight turn even for a car. Frequently there will be cars parked right up to the edge of the lane, making it even more difficult. I always slow down and signal in plenty of time but cars will still be very close behind, not expecting how slow one needs to go to get down the lane, many probably not even realising there is a lane there. It isn't possible to see whether anything is coming up the lane until the very last minute and in that case it would mean stopping very suddenly, risking the car behind running into you. Increasing the number of cars using the lane will drastically increase the risk of that happening.

In most of the plans the area behind 751 is shown as 'parking', which is deceptive. Only on a couple of the documents is it shown by an outline boundary that it is not part of the development. That area belongs to me for parking for myself and my visitors. Visitors to 749 will assume they can park there and will be very likely to do so, particularly if the entrance to the new development is gated. Over the years I have had many conflicts with visitors to just one dwelling at 749 parking there or even in the lane, meaning I was either blocked in or out. Increasing the number of residents will increase the frequency of that.

I have right of access down the lane at all times, so closing it to run services down it is not possible because I always park down in my parking area. I have a security camera covering my car when it is there but would not have that protection if I parked on the main road, which is often full anyway. I'd also like to question whether the owners of any new properties have any legal right to use the lane. Note that there is already a watercourse running across the lane.

The 'large detached pole barn with an integral shed-type structure (Barn C)' is not of any age and was a ramshackle construction made by (not by a builder) since I moved there in 1984 (Photo 3, before it existed). Whether permission was needed or obtained for that construction I do not know. I did write to Kirklees Council to complain about it previously. In their Structural Appraisal Report (2022-92882_+General_949916.PDF) Marsh Design state 'The agricultural barn type outbuildings are in a

sound and stable structural condition and in our opinion, it can be deemed to be of a substantial and permanent construction suitable for its proposed conversion into a habitable dwelling.' Hard to believe when looking at the photo of it! (Photo 4). In fact it was in a dangerous state until many weeks of work were carried out patching it up earlier this year.

The plans are for refuse collection vehicles to come down the lane to service the houses. Kirklees Council's own document (Highways Guidance Note – Emergency Access, Waste Management, Servicing, and Deliveries, April 2020 (Version 1)) states in point 63 that the minimum carriageway width required is 5m. The lane is 3.2m from wall to wall. The same document also states in point 27 that 'The drivers of vehicles intending to enter a cul-de-sac should be able to see whether the turning facility were free of obstructions before undertaking the manoeuvre.' This condition is not met as the lane bends, making it impossible to see whether the turning area is clear.

West Yorkshire Fire and Rescue service (FS-PAN010 – Access for Fire Appliances) states in Table 1 that the minimum road width between kerbs should be 3.7m. The lane is 3.2m between walls.

There are three old outhouses below the gardens of 743, 745 and 747 that are not shown on the plan. Whether this is just a simplification or an oversight, the one nearest the lane belongs to me and will be staying there. I do have right of access to the south side of the outhouse, something that is not shown correctly in the current WYK231504 title. I have a copy of an Assent from 24-3-1931 showing it and I will be taking the matter up with the Land Registry. In the Planning Application form PP-11496311 it says there are no trees on or adjacent to the site yet there are several large ones directly adjacent in the hotel car park and a couple of smaller ones on the site itself. I believe there is a cesspit on the site.



Photo 1: Damage to my front wall from the horse box, about 1986.



Photo 2: A more typical drivers-eye view when exiting the lane.



Photo 3: Taken after 1984, showing no barn or shed.



Photo 4: Suitable for a habitable dwelling?

PLAN REFERRED TO.

H137

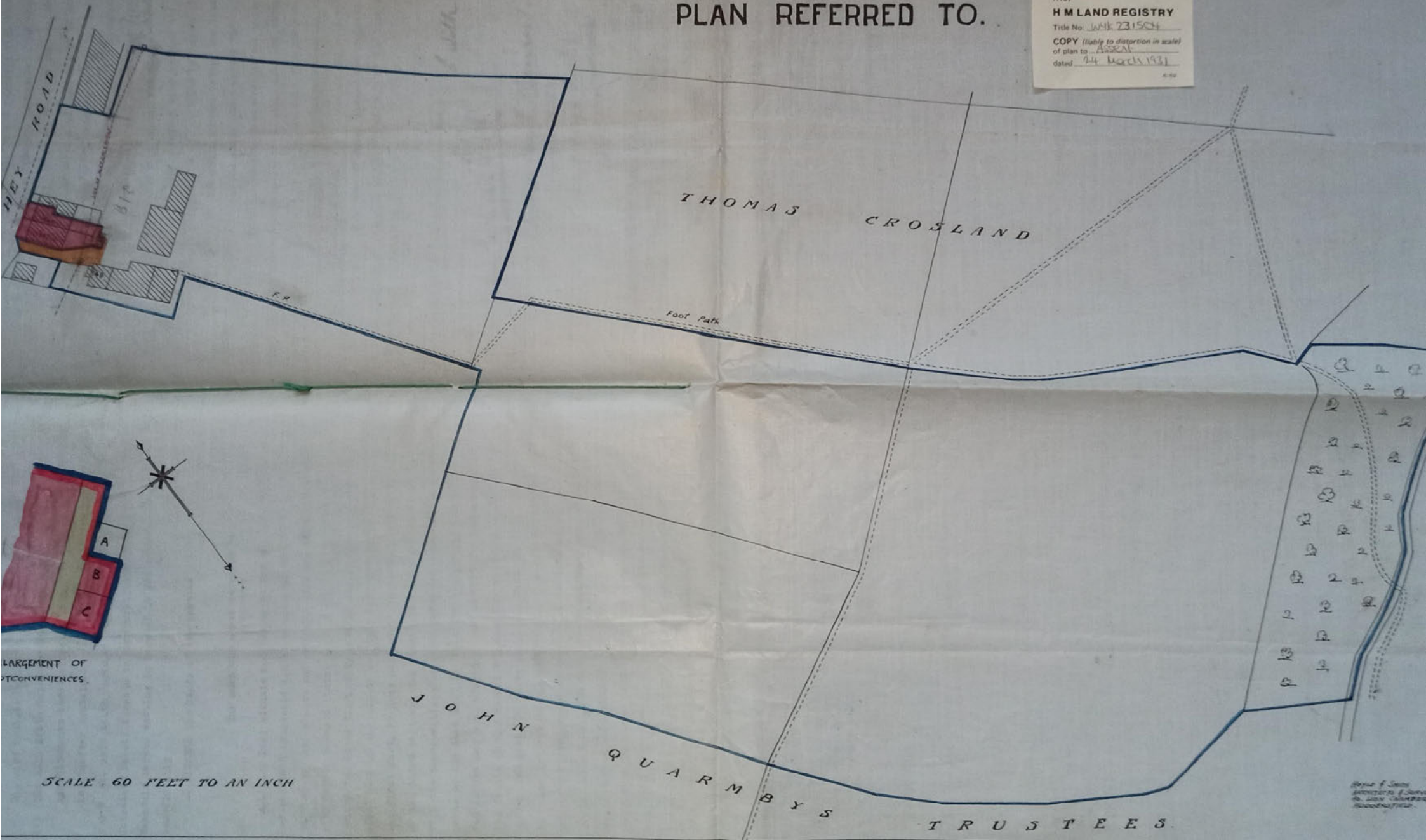
H M LAND REGISTRY

Title No. Wmk 231504

COPY (liable to distortion in scale)
of plan to ASSENT

dated 24 March 1931

C-50



I'm writing to ask if anything can be done about the actions of my neighbour,
, who lives at 749 New Hey Road.

Over a number of years he has built what looks like a small shanty town in which he keeps (and slaughters) a selection of sheep, goats, chickens and pigs. These buildings are all within about 150m of our house and we often have to put up with very strong smells coming from the animals. I've no doubt he will claim the buildings have always been there but most have been put up in the last 10 years and when I moved into this house, none of them were there. I have photos showing what it was like before and even the satellite view on Google maps shows less buildings than are there now.

I'm also concerned about the fire risk they pose, with large amounts of wood stored and probably unsafe wiring for lights. He often has fires burning and we also have to put up with the smell and smoke from those, which on many occasions is burning plastic and other materials producing a foul smell. Even if we close our windows (which we don't want to do in summer) the smell permeates the whole of our house and any washing put outside to dry at the time comes in stinking of burning plastic. I can't remember the last time his grey bin was put out for collection. The vegetable matter probably goes to the animals but I'm sure everything else goes on the fire.

In addition, he seems to deal in plants and we have a lot of problems with his visitors coming to collect them and parking either on our parking space, which is between 751 (the flower shop) and his house, or in the lane (down which we have right of access), meaning I sometimes can't get my car in or out. He has a huge concreted area in front of his house where his visitors could park but it's all full of wood, plants and other junk and resembles a scrap yard. It's more likely he barter things rather than selling them but we still get the same inconvenience from it.

Are the addition of all these buildings and effectively running a business from his house permitted? Are fires permitted? Do I need to contact another department with regard to this or can you forward this complaint on?

Ref. Frontline-1165057. Sent 22.45pm, 16-6-09