

No3 Woodside Lane,
Fixby,
Huddersfield
HD2 2HA

Application number 2023/92215 erection of residential development off Woodside Lane, Fixby

Background comments

We are the owners of No 3 Woodside Lane, Fixby, which is the property directly abutting the proposed development. We have lived here since 2002 and for the whole of that time the proposed plot has been the garden belonging to No 25 The Dell.

Our house was built in 1950 and the garden is bordered by a large beech hedge on three sides. The hedge that separates our property and the proposed plot has been solely maintained to its existing dimensions on both sides by us since moving in as this is part of the deeds to our property. The beech hedge was more than likely planted when the house was built and forms an integral part of our property, being aesthetically pleasing and providing not only privacy and security to our house but is home to much wildlife and allows many birds to nest, therefore is a great benefit to wildlife including hedgehogs.

The owner of 25 The Dell whose garden it was, sadly died within the last two years and his family sold the house but fenced off the proposed plot prior to sale of the house. The plot is extremely narrow, being only 8m wide making it in our opinion, impossible to construct any dwelling without compromising boundaries i.e. to No 3 and the public footpath that abuts the other boundary. We also feel that the overcrowded look that would be left by the proposed development would not be in keeping with any other property in the whole area and certainly not along Woodside Lane. It (the overshadowing) would also seriously impact on our way of life as we will explain.

Impact of Proposed Dwelling

The positioning of the proposed dwelling according to the drawings online would be sited directly adjacent to our house itself.

Overshadowing (Issue 8 point 3.0 of Kirklees Development Plan)

The overshadowing created by the proposed dwelling which would be directly opposite to our kitchen and main bedroom, would be extremely extensive, leaving little to no natural light because the proposed property would rest right against the boundary. Our kitchen dining table is set in the bay window and we would lose privacy to our bedroom which as stated above overlooks the plot in that area (see images 2a&2b). Both our kitchen and bedroom have large bay windows that are 1m from the face of the hedge, the portion of the hedge closest to the kitchen has been reduced in height to allow more natural light to come into the kitchen (please image 1a) and allow us to sit at our kitchen dining table and enjoy the many birds using the hedge as nesting and protection. I have attached photographs to demonstrate these points. The overshadowing effects would obviously have even more impact in the winter months. The design of the property appears to be more than single storey which exacerbates the overshadowing along with the fact that ground level of the **proposed plot is 650mm above that of ours.**

In addition, under 18.19 of the development plan, the proposed building would cause the creation of artificial light thus becoming a nuisance to us in that 'light spilling over onto another property can cause annoyance, distraction and discomfort'

Damage and loss to wildlife habitat Trees, security and privacy

Wildlife (issue 7 3.9 of Kirklees Development Plan)

It is very hard to show on a few photographs just how much flora and fauna there is on ours and adjacent properties making it a haven for animals. We must stress just how much wildlife we have in and around our garden. Bats, hedgehogs, frogs, toads, birds etc. even the occasional weasel, they all either visit for foraging and feeding or to make the gardens and hedge their home. We have video of hedgehogs nesting with young at the bottom of the hedge for instance.

The drawings submitted do not in our opinion represent the real picture; they are merely pretty pictures which show little constructional detail and sizes and seek to minimise the obvious issue of the narrowness of the plot. They are not an accurate reflection of how dimensionally impractical unsuitable and detrimental the construction would be. For instance, our beech hedge (see images 1a,2a,2b) which runs the full length of the proposed plot would not in our opinion survive any construction, as excavation for foundations and site clearance the site would without doubt cut and damage roots. The hedge which ranges in height from 2.8m to 3 m x1.8 m wide is a massive part of the property's charm and security and is irreplaceable. I again would urge you to look at the attached photos or preferably visit site. Our concern that is that this valuable asset would be killed or irreparably damaged, leaving us in an invidious legal position and be a huge loss of habitat for wildlife and privacy and security of our property.

There are also many very large trees (see image 3) at the front of both properties and that of number 7 Woodside Lane some of which have **TPO's** on them. One tree is close to 100ft tall and obviously all these trees will have extensive root systems which will spread far and wide. Again, if the roots are damaged during construction and site clearance then this could lead to these very valuable tall trees becoming damaged and possibly made unstable making them more liable to fall in high winds and or bad weather conditions; this could then have a potential hazardous effect on our property should this happen. Again I have attached pictures which show this point. They also show the trees at the front of the proposed plot which we don't think are properly shown on the drawings. The owner has already removed one large tree from the plot and any removal of trees and any damage to our hedge would contravene section 12 item 131 of the NPPF.

Within the local development plan, it states under 18.2 that planning policies and decisions should ensure that new development should be 'appropriate for its location' and this development is not appropriate for its location.

The plot has now become increasingly inhabited by many animals and invertebrates and the increased vegetation gives foraging opportunities for animals that feed on the various invertebrates and this will be removed should the development be allowed. Since the development of the area that incorporates 25 The Dell, this plot has been a haven for these animals which will be lost which goes against the National Planning Policy Framework, section 11 item 120 – b) and section 15 item 180 - a) and c)

The removal of any scrub and or trees would have a detrimental effect on birds especially breeding birds, which is against legislation. In addition, bats are in the area and could be deterred by further artificial lighting in the development and any disturbance to bats, or disruption to a roost is also a breach of legislation and as per the plans above.

Furthermore, we have hedgehogs that nest in our garden and since the plot has been left to overgrow, they use the increased shrub/grass growth as nesting, foraging and protection. The development of the site would not only remove their habitat, but hedgehogs and other animals could be killed and/or injured during the building process. Again, under legislation, hedgehogs are protected by law.

Woodside Lane Aspect and Character (point 6.6 of Policy LP7)

All the properties on Woodside Lane are detached and individually designed and built but the one thing they all have in common is the space between each property, for instance as it currently stands the distance

between our property and our nearest neighbour, No 1 is 9m. It is our opinion the distance to the proposed dwelling would be as little as 2m which is not at all representative or in keeping with any of the other properties in the whole of the lane or indeed the whole immediate area, and unlike the other houses in the lane will produce an overcrowded look and have a negative aspect and not within the character of the area. This is probably why this plot wasn't used previously, during the original construction of Woodside lane there was no number 5 Woodside lane due to the limited size of the plot. The lack of space goes against the Kirklees Local Development Plan LP24 11.10 and also the NPPF section 12 item 130 – a) and c)

Parking and Highway Safety

Contrary to 3.18 of the Kirklees Highway Design Guide, and 10.82 (LP21) of the Local Development Plan, in our opinion there is not enough room for vehicles to safely turn in or out of the proposed site and the size of the plot is not adequate to allow turning within the grounds.

Previous Planning Application

We note with interest that a previous planning application 90/02734 was refused.

One of the principal reasons stated for refusal states:

'The application site, because of its size and shape ,would be incapable of accepting and form of residential development ,of a comparable size to that which surrounds the plot without causing undue detriment to the surrounding amenity'.

We absolutely concur with this statement feel nothing has changed in that regard and that granting this permission would have a very unfair and unnecessary impact on the area and would have a detrimental effect on our property and lives in relation to the overshadowing . The proposed dwelling gives no consideration whatsoever to either the impact on their immediate neighbours or indeed the rest of the Lane. This plot is simply not wide enough to take a dwelling and regardless what the drawings seek to suggest both boundaries across the width of the plot would be compromised.

New construction and provision of new dwellings in Fixby

Fixby is not an area that is short of new housing with many large and small developments that are either still in construction or that have been completed in the recent past, for example Highfield Manor Gernhill Ave, The Lane and Oakland Heath. We therefore feel that the immediate area is certainly not an area that has a dearth of opportunity for owning a new property so creation of something that compromises people's way of life and is certainly not commensurate with any other property in the Lane and would fly in the face of what we understand Planning Regulations are designed to protect.

Summary

We have referenced planning law and Kirklees development plan and other relevant regulation and legislation in preparation of this document. We do not feel that granting permission for this development as it has been presented would therefore be correct. The unfavourable effect it would have on our way of life caused by overshadowing and the potential loss of habitat for wildlife and the loss of yet another greenspace would be detrimental to the locality and neighbouring properties.

Photographs

Image 1a. Showing our Kitchen & Main Bedroom bay windows overlooking proposed plot and proximity to and varying heights of hedge



Image 1b. Shows Kitchen Bay window and close proximity of hedge overlooking proposed plot



Image 1c. Showing bedroom bay window overlooking proposed Plot



Image 2a. Shows our front garden and hedge abutting proposed plot



Image 2b. Shows hedge in our back garden abutting proposed plot



Image 3. Shows a few of the many trees at the front of our property and the proposed plot



Image 4. Shows another large tree at the entrance to the proposed plot

