

Date : 30th April 2024

RE : SUPPORTING STATEMENT FOR APPLICATION: 2024/CLD/91146/W

INTRODUCTION.

This statement has been prepared on behalf of Mr and Mrs Asquith, the owners and occupiers of Lowfield House, 10 Station Road, Meltham, HD9 4NL to support the application for a Certificate of Lawfulness regarding the development of an outbuilding and associated retaining wall within the red line boundary of their property, that benefits from a permitted development order, application 2024/CLD/91146/W.

BACKGROUND.

The site in question is situated within the rear garden of a domestic dwelling, whereby the boundary of the site falls along the centreline of the beck that is located along the east and south sides of the garden, please see *Supporting Statement – Lowfield House Title Number*.

The clients purchased the property in October 2020 and moved in shortly after. On the 21st of February 2021, an existing retaining wall along the river supporting the river bank alongside an existing summer house collapsed due to age and deterioration. *Supporting Statement - Existing Retaining Wall Collapsed* the current owner consulted The Environmental Agency and was advised that the re-build of the retaining wall would not increase flood risk, and was therefore acceptable, see attached *Supporting Statement - Environment Agency Correspondence*; the environmental agency now consider this matter closed. Since the re-build of the existing retaining wall, the current owners removed an existing timber-framed summer house within the garden which can be seen in the background of *Supporting Statement - Existing Retaining Wall Collapsed* due to its instability and danger to their young child, and in its place erected a solid cavity wall outbuilding, with a pitched roof guided by permitted development rights and designed by Wake Morley Architects under PD legislation.

The client has spent time and money developing the rear garden, to make it a safe, private, and pleasurable space for their young family, and have consulted the relevant authorities where required to ensure that all development is lawful and compliant.

Additional works include the planting of hedges to increase privacy, and repairing of existing drystone walls where the stones have been reportedly stolen by a neighbour. All work, where relevant, has been signed off by The Environment Agency.

PURPOSE OF THE STATEMENT.

The purpose of this statement is to demonstrate how the proposed outbuilding complies with existing permitted development legislation and is therefore considered lawful development, as per application 2024/CLD/91146/W; the points discussed in this statement are also intended to address points in the enforcement case COMP/24/0125.

DESCRIPTION OF THE PROPOSED DEVELOPMENT.

Retaining Wall: The summary of development consists of the rebuilding of the existing retaining wall to the river bank due to natural collapse from age and condition, this work has been completed and approved by the Environmental Agency *Supporting Statement - Environmental Agency Correspondence* and workmanship complemented by neighbours in 2021. The client has diligently logged their communications with The Environment Agency, which considers the matter now closed. There has been an additional retaining wall approximately 1.68m high and is over 4 yards from any street, that has been constructed to bed some Laurel hedging as recommended by the police due to the ongoing harassment against the clients from the neighbouring property - *Supporting Statement - New Laurel Hedges*. The planting bed did not have foundations dug in order to be constructed.

Outbuilding: Removal of existing timber summer house; please see *Supporting Statement - Previous Summer House* and erection of pitched roof outbuilding on the same footprint, please see *Supporting Statement - Previous New House*. The dimensions of the summer house are approximately 6m x 5.7m, with an additional 2.5m overhang to one gable. The proposed outbuilding has been constructed out of solid materials and clad in timber composite panels to visually blend into the existing garden. The purpose of the outbuilding is to be incidental to the existing dwelling and is to be used for the enjoyment of the dwelling by the owners. Externally, some landscaping works are to be done to remediate the land after the removal of the existing summer house, alongside the washing away of the existing retaining wall, please see *Supporting Statement - General Arrangement*.

LEGAL BASIS.

According to the Kirklees Local Plan, the site is not situated in areas designated as either green belt or conservation, the site also benefits from having its permitted development rights retained, as well as not having any protected trees within the boundary or near the site. Referring to - *Class E: The provision of a building or enclosure within the curtilage of a dwellinghouse*; and as per the general arrangement *Supporting Statement - General Arrangement* the vertical dimensions have been derived from guidance listed in the document above. Eaves = 2.4m from ground level and Ridge = 4m from ground level. The outbuilding is located on the existing footprint of the previous summer house, and is identified in drawing *ODS_23-822_Lowfield House - (EX)003 - Lawful Development - P01* used to accompany the application 2024/CLD/91146/W to demonstrate the footprint is more than 2m away from the red line boundary, which can be referred to in *Supporting Statement - Lowfield House Title Number* as the centre line of the river. Additionally, the development does not exceed more than 50% of the domestic garden.

RESPONSE TO ENFORCEMENT CASE.

Responding to the enforcement case COMP/24/0125 “*alleged unauthorized engineering operations, formation of a retaining wall and erection of an outbuilding*” – we feel that the alleged breaches have been adequately addressed within the content of this statement, and will summarise in short below:

Formation of Retaining Wall: As evidenced in *Supporting Statement - Environmental Agency Correspondence* the environmental agency has been consulted by the client, offered advice where applicable, and now considers this matter closed. The planting bed for the Laurel Hedge as recommended by the police, and is 1.68m high and is over 4 yards from the highway.

Engineering Works: Associated with the re-build of the retaining wall, demolition of the existing summer house, and erection of proposed outbuilding, all under permitted development.

Erection of an Outbuilding: Whilst we are confident the outbuilding is approved under permitted development and has been designed and under construction to comply with the design guide in *Class E - The provision of a building or enclosure within the curtilage of a dwellinghouse*. The client has decided to apply for a certificate of Lawfulness to certify the development is lawful, all relevant documents have been submitted to the local planning authority to assist with the application. Upon receiving confirmation that the development is lawful, the decision will work in support of the client in regard to the enforcement case COMP/24/0125.

CONCLUSION.

To conclude, the outbuilding and associated works at 10 Station Road, Meltham, HD9 4NL, comply fully with the design guides stipulated in the *Class E - The provision of a building or enclosure within the curtilage of a dwellinghouse*, resulting in the development being lawful and should therefore be deemed so by the Local Planning Authority. Through the approval of the development being lawful, the points in the enforcement case COMP/24/0125 will also be completely addressed.

CONTACT INFORMATION.

This statement has been written on behalf of the clients at 10 Station Road, Meltham, HD9 4NL. Should you wish to discuss the content of the statement further, please feel free to contact me.

Yours Sincerely,

Eloise Bray

Architectural Designer

Orange Design Studio Limited