

10th July 2024

Personal Details to be redacted on putting to the website please.

Proposed planning for the 'Erection of a detached outbuilding'

Application number - 2024/62/91593/W

Location - 410, Birkby Road, Birkby, Huddersfield, HD2 2DN

1. There are a number of errors on the Application form that myself and others have noticed:-

- This building is not an 'outbuilding' or 'Store' this is a large double garage. As can be seen in the plans with the garage door.
- **The plan says :-**
That it is 5000x6600 (5Mx6.6M) which I think makes it 33 Sq Metres. There is no indication of height on the plans, how high will it be?
- **The Location Plan shows:-**
That the driveway belongs to 410 Birkby Road when in fact they only own part of it as pointed out by others.
- **The application says –**
Vehicle Parking
Does the site have any existing vehicle/cycle parking spaces or will the proposed development add/remove any parking spaces?
No has been chosen. This is clearly a garage and as such will add another two spaces, at least, to what is already on site. More cars , more traffic, inability for the private lane, already over subscribed according to council rules, to cope.
- **The application says –**
Trees and Hedges
Are there trees or hedges on the proposed development site? **No has been selected.**

And/or:

Are there trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character? **No has been selected.**

If Yes to either or both of the above, you may need to provide a full tree survey, at the discretion of the local planning authority. If a tree survey is required, this and the accompanying plan should be submitted alongside the application. The local planning authority should make clear on its website what the survey should contain, in

accordance with the current 'BS5837: Trees in relation to design, demolition and construction - Recommendations'.

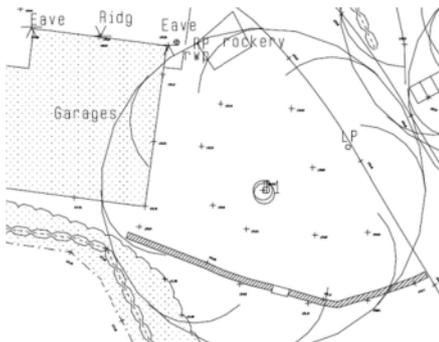
The answer to this question has to be **Yes** as is acknowledged in the holding order by Jack Dunn with reference to TPO 14/75.



Map of TPO area covering 410 Birkby Road. Your current map shows a circle in the middle of the property. This I think is in the wrong place and to my knowledge there was never a tree at this location. It should be in the space that was occupied by the only illegally felled tree in this area.



This is how I believe the map should have looked and would have been in line with the applicants previous Arborial report and Planning Application 2013-93405 point 3.



Applicants own Arboreal report showing position of tree that has now been illegally felled.



Application 2013/93405



Rough merge of corrected TPO 14/75 and Application 2013-93405

The site of this proposed double garage is the same site as the previously demolished tree and the proposed building is clearly within the red

hatched area as shown in application 2013-93405 point 3 which says :-

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 buildings or extensions shall be erected in the area hatched red on the approved site plan received 29 October 2013.

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 the Unitary Development Plan.

Instead of having a triple garage, which they previously had, they then chose to demolish it instead of the approved amendment and rebuild it as another house (Not an Annex) without permission for demolition being granted.

This space should be subject to an order to replace the previously illegally removed tree and not allow further building on this already overcrowded and over developed property. This would bring the property back into line with the TPO restrictions.

It should also be noted that the land identified by the Red hatch area has been tipped on with rubble and other top soil. Complaints were passed to the council by multiple people but to my knowledge nothing has been done to rectify this situation.

As per comment 1047339, it now looks like trees in the TPO area have started to fail which should be investigated by the council tree department with urgency.

- **The application says –**

Biodiversity and Geological Conservation

Again all answers have been put to **No** when in fact, again as per instruction in planning application decision notice 2023/62/93713/W - April 2024

Within three months of the date of this decision one bat box shall be installed within the eastern elevation of the building hereby approved at least 2.5m above ground level; the box shall be long-lasting Schwegler 'woodcrete' type or similar and shall be located away from sources of light. Once installed the bat box shall be retained thereafter.

these should be answered **Yes** as Bats exist in the area and their habitat has been destroyed by the current building work. Put the tree back and put another Bat box on it would be my answer.

2. For the past three years we have been beset with noise from an early hour 7am and before. The original planning permission gave a recommendation of no earlier than 7:30am. Please impose restrictions on the hours of work taking into consideration that this is a residential area.
3. For those three long years we have had to put up with constant noise both from equipment, sometimes piercing, loud radios, swearing from some workers, dirt and pollution constantly

in the air. Each time we have complained to Kirklees it has fallen on deaf ears. What restrictions can be put in place to alleviate these issues. It is soul destroying when you have washing out or want to sit peacefully in your garden or home but you can't because of the disturbance from these building works. The owner has shown no respect or compassion to his neighbours only thinking about his own desires. It has been tortuous at times. Your home does not feel like a safe haven. Throughout this overly long build time existing residents have already endured enough. The constant cleaning of dirt is solely destroying. Even today our garden has disappeared in a cloud of dust once again.

4. I believe that this site does not comply with fire regulations for access for emergency vehicles. Adding this garage will further exacerbate non-compliance reducing access as it is so overdeveloped.
5. The property originally had a triple garage, the owner deemed that it was not required and had it converted into another house despite there being a covenant restricting the whole site of 412 & 410 to two houses, so now we have three. The original plans for 410 had an integral garage only for the owner to deem that it was not required and converted it into living accommodation. This application is not for a store it is for a double garage. I suggest that the applicant buys a shed for his lawnmower.

Finally I would request that Kirklees reject this application and any other future applications for building on this site. It is contrary to the well-being of the community and contrary to all previous restrictions put in place including TPO restrictions and fire restrictions.