

Objection to Current Planning Application 2024/91593

We wish to object to this planning application on the following grounds:

1. Planning Application 2013/70/93405/W

In October 2013, the then owner of 410 Birkby Road applied to have condition 8 of approved planning application 2002/92426 amended. Condition 8 removed the permitted development rights from 410, as it was a garden grab from what is now 412. The application sought to allow the construction of those buildings or extensions allowed under General Permitted Development on certain parts of the plot that did not affect the protected trees. The decision notice for application 2013/93405 states:

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.

The proposed safe store/ outbuilding falls within the area hatched red in the site plan for planning application 2013/93405 and as such, should not be approved. This condition is in place to protect trees on the site from damage, not only to the visible part of the trees, but more importantly, to the roots. Such damage can occur, either during excavation of ground or, when heavy machinery or vehicles encroach into the protected area thereby compacting the ground. Both of these activities could damage the roots and therefore the protected trees. These trees still need protecting and therefore this decision notice, deemed very important by the planning officers in 2013, should still stand and apply to this latest application.

It is crucial that the Tree Officer, when assessing this current application takes account of the site plan on application 2013/93405. This shows the extent of the protected area which extends well beyond the area covered by the tree canopy.

2. Overdevelopment

This is the eighth planning application for the 410/412 site since March 2021 when application was made to demolish 2 perfectly good houses and rebuild 2 huge houses, much bigger than the original ones. Building work has been ongoing for the nearly 3 years, during which time at 410 alone: the garage has been demolished and a larger annex built in its place; an extra floor has been added for a games room; the planned integral garage has become a second entertainment suite; and an additional rear extension has been added. The building density on the plot of 410 Birkby Road has increased significantly due to the size of the new house, which has a much greater height, volume and presence than the one demolished (which was a bungalow), as does the annex compared to the original garage. We know that there was a requirement for an increased power supply to the development because the existing one was insufficient for the needs of the new properties. The conclusion being that the plot has been developed to a much greater extent than when the original buildings were there. This overdevelopment will be made worse by the addition of yet another structure approximately the size of a double garage with a full width garage door. This structure appears to be an outbuilding for the annex, which itself is supposed to

be merely ancillary to the main building. What is being created is a double garage to go with the additional large detached annex, effectively a large 2 bedroomed house.

Much of the green space has been filled in and, either has been, or will be covered with concrete, paving or tarmac. Although the red hatched area mentioned above cannot be built on, it is clear from the proposed site layout, that it either has been or will be encroached on for a wide pathway/patio to the east of the main house and for parking bays for 4 cars to its south east. This hardstanding was shown as grass and garden area in the original plans to demolish and rebuild approved in 2021, and also on subsequent planning applications for this site. The intention has clearly changed but even hardstanding would require digging out and levelling using heavy machinery in the red hatched area. It should also be noted that on the proposed site layout, there is some sort of structure to the north of the house by the steps in the garden. This also applies to 412 but these have not been shown on any previous approved applications.

3. Errors in the Application

We note there are errors in the application form which states there are no trees on the site, this is not true, there are numerous protected trees. The form also says, the applicant is the sole owner of all the land to which this application relates. The lane included in the site area is not solely owned by the applicant, but is in shared ownership.

4. Conclusion

In the original approved 2021 plans for 410, there was integral garaging for 2 cars within the main house as well as garaging for 3 cars in the existing triple garage. Following all of the various amended and approved plans, there is now no garage space on the 410 site. This application is for an outbuilding for a variety of equipment, but once built, there would be nothing to stop cars being put in it. Had all of these changes been included in the original application, it is unlikely that it would have been approved because of the enormity of the scale of development compared to the existing bungalow and garage. The current application should be considered in the context of the whole development and its planning history, which includes the protection of trees via the area hatched in red.