

I am writing to formally object to the above-mentioned planning application concerning the proposed development adjacent to properties 193 and 195. My objections are based on several material planning considerations, as outlined below, and are supported by relevant policies from the Kirklees Local Plan and associated guidance documents.

1. Misrepresentation of Land Ownership and Access Rights

The application inaccurately represents land ownership boundaries:

Purple Area: Currently serves as allocated parking (two bays and a double garage) for 193 and 195. The proposed development plans to repurpose this area as the primary access route for four properties, effectively eliminating existing parking provisions for 193 and 195.

Blue Area: Owned by a third party, yet erroneously included within the applicant's site boundary.

Green Area: Owned by a third party, with no granted right of way to the applicant.

Under Article 14 of the Town and Country Planning (Development Management Procedure) Order 2015, applicants must serve notice on all owners of land to which the application relates. Failure to do so may render the application invalid.

2. Inadequate Parking Provision

The proposed development fails to meet the parking standards outlined in the Kirklees Unitary Development Plan (UDP) Appendix 2:

Houses <140 sq. m: 2 resident parking spaces per unit.

Houses >140 sq. m: 3 resident parking spaces per unit.

Visitor Parking: 1 space per 4 units for developments served by informal roads

Currently, No 193 and 195 utilise parking spaces to the east and south (highlighted in solid purple). The demolition of the double garage and repurposing of these areas for access will leave these properties without any parking facilities. Additionally, the proposed development does not provide sufficient parking for the new dwellings, nor does it account for visitor parking, leading to potential overspill onto surrounding areas.

3. Lack of Turning Facilities

The development lacks adequate turning facilities for vehicles. The proposed access route is only 3 meters wide, insufficient for two-way traffic and posing safety risks as vehicles may need to reverse onto the main road. According to the Kirklees Highway Design Guide SPD, a minimum turning circle (wall to wall) of 22.07 meters is recommended to ensure safe and efficient vehicle movement. Furthermore no parking has been allocated for the existing properties or where there turning circle is.

4. Overdevelopment and Impact on Local Character

The proposal represents an overdevelopment of the site, compromising the character and amenity of the area. The high concentration of parked vehicles within the shared access area (currently 9 in total) already causes congestion. Introducing two additional dwellings without adequate parking and access provisions will exacerbate this issue. Kirklees Local Plan Policy LP24 emphasises the need for developments to respect the form, scale, and layout of existing buildings and the character of the area.

5. Misclassification of Room to Circumvent Parking Standards

The application describes a fourth bedroom as a “study,” likely to circumvent parking requirements. However, the room’s size and layout suggest it will function as a bedroom. Accurate classification is essential to ensure compliance with parking standards outlined in the Kirklees Unitary Development Plan.

6. Absence of Cycle Parking and Waste Storage Facilities

The application does not provide any cycle parking facilities or designated bin storage areas. Kirklees Local Plan Policy LP20 promotes sustainable travel, including the provision of cycle storage in new developments. Additionally, adequate waste storage and collection points are essential for maintaining public health and amenity.

7. Changes in Surrounding Land Use

Since the previous application was approved, the surrounding land use has changed significantly:

- A new single detached property to the north with 3 parking spaces.
- Flats to the east with 5 parking spaces.

These changes have increased the density of development and parking demand in the area. The current proposal highlighted on Appendix C, does not account for these changes, leading to potential conflicts and further congestion. Furthermore, the documentation does not clarify the relocation of the proposed parking bays for properties 193 and 195 (4 in total) or visitor parking leaving a critical gap in the assessment of parking provision.

8. Inadequate Vehicle Manoeuvring Space Leading to Unsafe Reversing Movements

The current configuration of the shared access area necessitates that vehicles from properties 193 and 195 reverse the entire length of the access road to reach the main highway. Alternatively, drivers are compelled to utilise adjacent private lands, including my own and that of property 197, to execute turning manoeuvres. It is important to note that the title deeds for these properties do not confer any rights of way over these neighbouring lands, rendering such movements unauthorised and potentially leading to disputes.

This situation contravenes Policy LP21 of the Kirklees Local Plan, which mandates that developments must ensure safe and suitable access for all users and that the residual cumulative impacts on the road network are not severe. Furthermore, the Kirklees Highway Design Guide Supplementary Planning Document (SPD) stipulates that adequate turning facilities should be provided within developments to allow vehicles to enter and exit in a forward gear, thereby minimising reversing movements onto the highway, which are hazardous and impede traffic flow.

The absence of dedicated turning areas within the proposed development exacerbates these issues, leading to unsafe conditions for both residents and other road users. The reliance on unauthorised land for vehicle manoeuvring is unsustainable and highlights a significant flaw in the current design.

9. Right of way

Properties numbered 193 and 195 benefit from a right of way only. Their title deeds contain no definition as to the location, width, or precise extent of this right of way. These rights have instead arisen through prescriptive easement.

The tarmac driveway serving the properties has been solely constructed, maintained, and funded by its current owner, and by the previous owner before. No contributions have been made by the beneficiaries of the right of way.

The proposed development would result in an intensification of the use of the right of way, placing an unreasonable burden on the existing private access. As

such, it would conflict with the principles set out in the National Planning Policy Framework (NPPF), which seeks to ensure that developments provide safe and suitable access for all users (NPPF Paragraph 110). Furthermore, it would be contrary to Kirklees Local Plan Policy LP21 (Highways and Access), which requires developments to ensure safe and efficient access without detriment to existing users.

Additionally, the absence of any formal definition of the right of way creates uncertainty and risk regarding access rights, vehicle movements, and future maintenance liabilities. The increased use of the access arising from the proposed development would be excessive relative to the original, undefined rights, and would represent a material change, potentially amounting to an actionable interference with private rights.

Conclusion

The proposed development fails to comply with several policies in the Kirklees Local Plan and the Unitary Development Plan, particularly concerning land ownership, parking provision, access, and overdevelopment. It is recommended that the application be withdrawn and resubmitted with accurate land ownership details, adequate parking and access provisions, and a design that respects the character and amenity of the existing neighbourhood.

I trust that the Planning Department will give due consideration to the points raised above and refuse the current application in its present form.