

Planning Reference 2025/62/91338/E

Objection to Proposed Erection of Detached Garden Room/Store, 93B Stocks Bank Road, Mirfield WF14 9QB

From the Design Statement: Pursuant to Condition 8 of the Planning Approval 2019/62/90269/E application to seek written consent from Kirklees to erect a garden room / store outbuilding to the rear of 93B Stocks Bank Road Mirfield.

We do not wish to see the removal of Permitted Development Rights for 93B Stocks Bank Road Mirfield, and request that the proposals for a new garden room/store outbuilding are refused. In our opinion, any further development of this site would constitute over-development and would be contrary to the spirit of the Planning Committee's intention when originally granting permission for the main dwelling to be built.

Comments are as follows;

All the reasons in Section 8 of the Planning Approval 2019/62/90269/E conditions are still valid and nothing has changed to allow the restrictions on permitted development rights to now be removed.

In fact if this garden room were to be built it would add the equivalent of another 20% of the floor area of the existing dwelling, leading to the over development of the site at 93B. The floor area of the proposed garden room is 24.75 square metres which is a large floor area by anybody's standards and bigger than most rooms in 93B.

The construction and occupation of the garden room will bring its use to the site boundary affecting the privacy and amenities of the adjacent dwelling in accordance with the policy LP24 of the Kirklees Local Plan and guidance given in the National Planning Policy Framework.

If the restrictions to permitted development rights were to be removed there is nothing in the future to prevent the proposed garden room to be changed into something else completely different. This would then allow for full freedom to do anything within the full permitted development rights.

The restrictions on permitted development rights should remain in full as they were described in the Planning permission granted in 2019 and as endorsed in the Heavy Woollen Sub Committee Decision authorisation made at the Sub Committee meeting on 13 June 2019.

To quote the Sub Committee Decision from this meeting on 13 June 2019.

"Heavy Woollen Sub Committee members voted in favour of the Case Officer's recommendation to approve the planning application subject to the conditions. Members made it clear that it was important to secure the removal of permitted development rights as per recommendations set out in the committee report."

The following 16 points should also be noted

1. A previous planning application in 2017 for a larger 3 storey dwelling for 93B was refused due to over-development and other reasons, hence the removal of permitted development

rights on the finally approved plans for 93B. The Home Office Planning Inspectorate were involved in getting the original 3 storey plans refused and set out the conditions and restrictions as to what was actually finally approved and built.

2. The front area of the property apart from a small flower bed is all hard surfaced for car parking and access to 93B.
3. Facing Stocks Bank Road the frontage of the dwelling at 93B is full width of the site apart from 1m wide (approx.) access paths at each side of 93B.
4. The only free area of the property for possible further development as such is to the rear of 93B and this already has some hard surface area patios, a cherry tree, changes in ground level and a typical small garden shed.
5. It is noted that the existing boundary hedge will remain at 2.5m high and that the Cherry Tree will remain in place and be undisturbed.
6. However, despite whilst appearing to comply with the requirements regarding Permitted Development, the actual measurements of the Garden Room do appear excessive and it is around 20% of the floor area of 93B. Due to the location of this garden room the windows and doors can only be placed in certain positions to let in light etc, but there will be no real view of the garden only the line of the hedge and the fence to 93 Stocks Bank Road (the original Host property). With no view as such and little daylight it is a wonder as to why a garden room is wanted at all in this location especially one as large as almost 25 square metres in size. There are other possible uses not mentioned. This appears to be over-development.
7. The hand drawn sketches of the garden room appear to show an almost square building on the site plan, whilst on the sections drawings it appears to be a long rectangular room. The garden room drawing does give the proposed dimensions of the new room which is more square in shape at 5.5m x 4.5m. Scaling directly off the drawings with a scale rule is not possible as for whatever reason the drawings do not appear to be to scale.
8. No written dimensions to indicate the actual location of the garden room with relation to the site boundaries and the 93B house its self. The only written dimension is to confirm the maximum height of the garden room at 2.5m which is the maximum height allowed under permitted planning development.
9. It should be noted that 93B is constructed on a sloping site falling away from Stocks Bank Road and that the rear garden area of 93B is at two levels as can be seen on the Elevations sketch drawing but not so clearly on the plan drawing. The upper ground level around 93B appears to drop around 1m to the lower area which is the base ground level of the boundary hedge. This means that a considerable amount of earth will have to be excavated in order to create a level area to at the base of hedge level to accommodate the garden room. Damage is likely to be caused to the tree roots, which would in turn, threaten the survival of the hedge. Also by digging down it could affect the boundary to Ford Drive itself which in this

location is land owned by 93A. This may affect the structure of Ford Drive requiring some form of retaining wall to hold up the structure of Ford Drive, would this be a Party Wall issue with 93A? The maintenance of the road surface of Ford Drive is shared by the all the occupants at properties 1, 2, 3, Ford Cottage and 93A Stocks Bank Road.

10. A structural level base for the garden room would have to be constructed which would have to be included in the maximum overall height allowed of 2.5m thus reducing the effective height in the garden room itself. By digging down would the construction of this structural base affect the tree roots of the boundary hedge between 93B and 1 Ford Drive? Due to the apparent closeness of the garden room to this boundary hedge it will be almost impossible to maintain the garden room wall facing the hedge, and the hedge itself.
11. The non-dimensioned location of the garden room as indicated on the sketch drawings is very close to the retaining wall built on the land owned by 1 Ford Drive and as such should the Party Wall Act come into effect?
12. The Elevation and Plan drawings indicate a path between the rear of 93B and the new garden room. A new retaining wall shall be required to separate these changes in ground level between 93B and the garden room. Consideration should also be given to the possible risk to the structural foundations of the rear wall of 93B.
13. Due to the location of the garden room being so close to the site boundaries of Ford Drive itself and 1 Ford Drive, could it be that Building Control and Building Regulations should apply to the construction of the new garden room, if the development of the garden room be passed.
14. As the proposed garden room is located very close to the site boundary Building Regulations would require the materials to which this garden room is built to be fire proof. The Design Statement and drawings mention the garden room construction as being of a timber structure with timber cladding, upvc windows and some form of flat roof, rubber or fibre glass. Unless the garden room is moved further away from the site boundaries then it would have to be constructed from fire rated materials.
15. Any rainwater run-off from the proposed garden room would have to be contained within the site boundaries of 93B and not be allowed to spill over onto adjacent properties as per the Building Regulations. The submission by the applicant indicates the provision of a rain water butt, however once full the rain water will have to go somewhere. In the Climate Change documentation a possible sedum roof for the garden room is mentioned if this were actually installed this would only attenuate i.e. slow down the rain water discharge from the roof, where would it go then? It should be noted that the location of the proposed garden room is at the lowest of the site of 93B. Apart from the hedge, there is no natural soakaway provision between the proposed Garden Room and 1 Ford Drive.
16. The choice of water butts to collect rainwater is questionable, as some form of drainage will still be required once they are full. Some form of site drainage will be required other than

the ground as the concentrated rainwater discharge could affect the retaining wall. At present, falling rainwater will just land on the ground in a normal, natural manner along the length of the boundary hedge.

For all these reasons, please refuse permission for this proposal to go ahead.

Kind Regards