

Planning application 2026/91314 - Further Neighbour Response to new information: 18 Aug 2026

We welcome the additional clarifying information, both plans and supporting information, recently provided by the applicant in documents posted to the Kirklees Council planning website on 14 August 2026, ie after the revised Public Consultation End Date of 3 August 2026.

These show much new information, including more clearly the position and levels of the proposed new house and drive and also which trees are proposed to be retained and which removed.

The additional details confirm our continuing concerns which we expressed in our Neighbour Representation posted on 30 June 2026.

To incorporate this new information, our full set of concerns is itemised below:

1) Ground stability along, and across, the boundary with 2 East Avenue, both during construction and afterwards, this relating both to the 2 East Avenue house and the land itself

- With a clearer understanding of these new plans, we believe that these excavations may impact the foundations of our property and may indeed be covered by the requirements of the Party Walls Act 1996.
- Excavations relating to the foundations of the new property will be within 3 metres of the 2 East Avenue dwelling/retaining walls. In addition, there are proposals to remove three levels of low garden walling and the many mature trees (and tree stumps) rooted within and upon it that constitute tree clump 9T. The excavations are to a level approximately 1.5 metres below the existing property boundary and up to a distance of approximately just 1 metre from that boundary.
- Whilst a vertical cross-section is shown along the full length of the proposed drive (Plan 1153532), there are no cross-sections perpendicular to the drive to show the changes of level from the proposed excavated drive to the boundary with 2 East Avenue, and no explanation of the nature of materials to be used, or the construction methods, for new retaining walls/slopes/banking.
- There is no indication of any proposed lateral retention system to describe how the stability of the higher ground, house foundations and fencing of 2 East Avenue will be maintained after excavations – both during the new house construction and afterwards.

We ask for significant further explanation and assurances regarding mitigants to be considered and to be in place, both during and post construction. We request that these include continued monitoring of ground conditions on site, these to include Ground Condition Surveys along the boundary with 2 East Avenue before construction, during construction and for the period afterwards during which the ground is likely to adjust after foundation excavations, the removal of walling and the removal, and proposed felling and stump grinding, of the many trees of clump 9G.

2) Matters arising from the new Arboricultural Method Statement:

- In the Arboricultural Method Statement dated 31 July, (document 1153526 posted 14/8/26) offsite oak tree 22T (in the grounds of 2 East Avenue) is **estimated** to have a stem diameter of 450mm and a height of 11m. Observation from the East Avenue highway shows that the top of this tree is

significantly higher than the elevation of the 2 East Avenue ridge (shown as 62.75m) above the proposed new house turning area (shown as 52.07m), suggesting that tree 22T could be around 15m high. (Note the base of this tree is approximately 2m lower than the 2 East Avenue house ground level).

- In addition, the detailed plans suggest that the SE corner of the proposed new house is underneath the existing canopy of this mature oak tree (22T), whose trunk is only approximately 6m distant.

Given that consideration of the final position of the proposed new dwelling position may be impacted by an assessment of these comments, we confirm that supervised access to 2 East Avenue is available to the applicant's appointed agents and Kirklees Council employees to assess/reassess .

As a matter of correction: Tree clump Ref 9G is fully in Ashmeadow, (none is in 2 East Avenue). This clump also includes a variety of conifers and non-conifers (eg a tall cherry tree), is up to about 12m in height (not 6m) and some individual trees have multiple stems (not just 1 stem each). (This "clump" is correctly documented as within Ashmeadow in the Statement - but part is incorrectly mapped on plans submitted contemporaneously as in 2 East Avenue, eg 1153528). It should be noted that most of this clump is planted in the upper terrace of the Ashmeadow rockery feature and that its removal may significantly impact ground stability (also see Point 1 above).

3) Inadequate consideration and protection of trees to be retained, including trees wholly or partly rooted in neighbouring 2 East Avenue, during the construction period:

- We note in the 31 July Arboricultural Method Statement that there is no 'protective fencing' proposed around the Root Protection Area (RPA) of either tree 1T (at the entry to the drive) or tree 22T (very close to the SE corner of the proposed house). (plan 1153528)
- We note that the accompanying plan showing the RPA of tree 1T covers approximately 90% of the width of the proposed new drive at its entrance and that the RPA (based on a possible current under-estimate) of the offsite tree 22T may abut the completed foundations at the SE corner of the proposed new house.
- We are pleased to see that the 31 July Arboricultural Method Statement states that during construction *'The (tree) protected area is sacrosanct and will not be invaded by the storage of materials, mixing of concrete or other products, accessed by machinery, equipment, or pedestrians or in any other way disturbed by construction activity.'*
- We are also pleased to see that the 31 July Arboricultural Method Statement states that *'No equipment or vehicles such as timber Lorries, tractors, excavators, or cranes shall be parked or driven beneath the crowns of any retained trees, to prevent subsequent compaction and root death'.*

We ask that amended plans be produced to include 'protective fencing' to include, as a minimum, the RPAs of trees 1T and 22T, and that this be fully maintained throughout the period of construction.

4) Tree replanting/mitigation

- We note the proposal to plant, as mitigation, P1 (Rowan) and P2 (Holly) between the new property and Ashmeadow, (plan 1153531). We regarding this mitigation as inadequate for 2 East Avenue as this will have no impact on screening the new development from 2 East Avenue . Indeed there is no mitigation at all for the the removal of the many existing boundary trees in clump 9G.
- As the ground level at the planting site of P1 and P2 is about 1.5m below the ground level of 2 East Avenue, we note with concern that there will be newly opened mutual views between the front of 2 East Avenue and Ashmeadow, which are currently fully screened by tree clump 9G
- The proposed felling of clump 9G not only provides 2 East Avenue with no screening against the proposed new development and its construction, but also removes all current screening between 2 East Avenue and Ashmeadow which has been in place since the plots were separated in 1992.

We ask that plans are put in place to plant replacement trees along the boundary between the proposed drive + turning area and 2 East Avenue (where the many trees constituting clump 9G are to be felled).

5) Other matters

We restate our request that all lighting in the vehicle turning area be pointed downwards and not towards 2 East Avenue.