

About the application

Application number: 2026/92450	
What is the application for?:	Demolition of existing workshop and erection of detached dwelling
Address of the site or building:	Workshop between, 12 & 14/16, Temple Street, Lindley, Huddersfield, HD3 3JG
Postcode:	HD4 6HF

User comments

Type of comment: An objection	
Do you wish your comments to be published on the website anonymously?	Yes

I am writing to formally object to the planning application referenced above. My property and private patio directly adjoin the boundary of the proposed development. While I note the applicant has attempted to satisfy privacy guidelines regarding overlooking by specifying obscured glass and a 1.7m finished floor level (FFL) restriction for the proposed side window, the current architectural design is unworkable and fundamentally flawed under property law for the following reasons:

Encroachment and Civil Trespass of Airspace: The proposed layout positions the new dwelling directly against my property boundary. Any outward-opening mechanism or top-hung hatch on this window will inevitably swing across the legal boundary line, causing a continuous and actionable civil trespass into my private airspace. A developer cannot rely on planning permission to overwrite established property boundaries.

Impact on Amenity and Safety: The airspace into which this window will open sits directly above my private outdoor patio. An outward-opening window creates an unreasonable safety hazard to anyone utilising my patio and restricts the full, unhindered enjoyment of my own land.

Lack of Maintenance Feasibility: Because the window opens directly over my boundary line, it cannot be cleaned, repaired, or maintained by the future occupiers without physically entering my private property. I do not grant permission for access to my land for routine window maintenance, rendering this element of the building design unsustainable.

Requested Action / Condition: I strongly urge the Planning Committee or Case Officer to refuse this layout in its current form. Should the council be minded to approve this application despite this flaw, I request that a strict, legally binding planning condition be attached to the decision notice. This condition must mandate that this specific window be entirely fixed-shut (100% non-opening) or designed as an inward-opening (tilt-and-turn) window only, ensuring that no part of the frame, glass, or mechanism can ever breach the boundary line into my property.

The current architectural drawings indicate that the proposed building's east wall is positioned directly on the boundary line. Consequently, any standard roof eaves, fascia boards, or guttering systems attached to this roofline will inevitably project outwards and overhang directly into my private property and over my patio.

This constitutes a permanent civil trespass of my airspace and poses a significant risk of water runoff discharging onto my land. I request that the developer be required to amend their plans to set the entire building footprint back from the boundary line, ensuring that all guttering, eaves, and subterranean foundations remain 100% within the applicant's own legal land boundaries.