OBJECTION TO PLANNING APPLICATION

Planning Application Number 2026/62/92636/W

Application to demolish existing garage

And erection of two storey and single storey side extensions

42 York Avenue, Fartown, Huddersfield HD2 2QT

This application was submitted on 18 September 2026, and public consultation was commenced on 23 September 2026 with an end date of 14 October 2026. The Planning Case Officer is Dhruv Gopalakrishnan.

The application relates to a semi-detached house built around the 1930s in character with neighbouring properties. The current owner purchased the property around late 2025 early 2026 and has more recently rented it out. I have spoken with the owner on several occasions and assisted him with garden clearance and discussed an earlier proposal he had for works to his driveway to improve access. He advised that his long-term aim was to extend the house and then to use it as a home for himself and his wider family. I am assuming that the current application is aimed at securing this long-term aim.

I had spoken to Mr Abbas and his builder when he was originally intending to undertake driveway works. I mistakenly believed that he intended to excavate down to provide a more level driveway to park vehicles, so I advised him that he needed to take account of the Party Wall Act. When I spoke with the two subsequently it was clear that the work merely involved smoothing out uneven sections of the drive to avoid cars bottoming out when accessing the drive.

More recently I was contacted by Mr Abbas and asked to visit him on his drive, he introduced me to his architect and advised me that he was no longer going to do the works to the driveway but would bring forward his longer-term proposal to extend the house and to move in his family. The architect was mainly interested in determining the boundary between the two properties. I pointed out the key points at which I considered the boundary to be fixed, but that I would be willing to be flexible to some degree.

No details were discussed other than that there would be a two-storey side extension; both individuals gave me the impression that they would wish to communicate openly about proposals in order to minimise any conflict. I believed that I would receive advance notification of more detailed proposals and perhaps sight of draft plans before any application was submitted

Submission of Application and Consultation Period

I did not receive any further communication from Mr Abbas or his agent and only became aware that an application had been submitted when a Planning Notice was posted on a telegraph post at the edge of my garden and adjacent to the applicant's driveway. I have not received any neighbour consultation communication from the planning department. I am unaware as to when the notice was posted, but I first became aware of it on Thursday 1 October when I saw something tied to the post and guessed that this might be a Planning Notice, I checked online and discovered that the Application had been submitted. The website identified date of receipt of the application and the consultation period recorded above, however by yesterday (5 October) the Notice had been removed, significantly curtailing the opportunity for interested parties to participate in the consultation process.



Telegraph pole to which the Planning Notice had been attached by string/cord. The white sheet stuck to the post is I believe a former Planning Notice, but this is illegible with the print being bleached by the weather

42 York Avenue in the top right hand corner

Whilst not opposed in principle to my neighbours property being extended and used as a family home I wish to object on several grounds which I believe to be in breach of the provisions of the Kirklees Local Plan and the supporting House Extensions and Alterations SPD. I also have additional concerns regarding details of the proposed development but recognise that these may be related to Building regulations rather than planning (though I recognise that there is no responsibility to consult neighbours on building control matters) or may be civil matters between myself and my neighbour.

The Application

I had understood that my neighbour, Mr Abbas, would be submitting any application on behalf of himself (and/or his family). He is named on the application but with a company name of Huddersfield Homes Ltd, which is registered (company number 12779016) at an address in Sowerby Bridge with Mrs Alana Abel as sole director a sole director. The nature of business is listed as "Other letting and operating of own or leased real estate". Mr Abbas is not named in the filings for the company. I am now concerned that rather than being a private residential application it may be a commercial venture.

The application shows the **applicants address** as 42 York Avenue, it is my understanding that he owns the property, but as mentioned earlier he does not live there.

Description of proposed works – double and single storey side extension. The drawings identify that the application involves a significant part of the extension also being to the rear of the property.

Materials – Roof – Type

Tiles. The roof appears to be slate to me, but this will not be relevant if the proposed material is to match existing.

Trees and hedges

There is a tall fir tree at the foot of the garden which may be within falling distance of the single storey portion of the development, but which would only be likely to cause minimal damage.



The fir tree in the rear garden of No 42 with the garage roof shown on the left hand side of the picture, the single storey extension will be shorter than the garage and may not therefore be at risk

The proposed development appears to come up to the boundary of my property and dependant on construction methods may involve access onto my property and consequent damage to shrubs close to the boundary line.

Certificate of Ownership

My comments above relating to Mr Abbas and Huddersfield Homes should be considered in relation to this declaration.

KIRKLEES LOCAL PLAN

Policy LP24 Design

Extracts from policy:

Proposals should promote good design by ensuring:

b. they provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings ...

c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers

d vi incorporating adequate facilities to allow occupiers to separate and store waste for recycling and recovery that are well designed and visually unobtrusive and allows for convenient collection of waste.

Subsection b: The drawings identify that the distance between our properties will be significantly reduced and not in character with other properties in the immediate area. Numbers 38 to 44 York Avenue were built by the same developer in the 1930's and are of a similar architectural style but with individual details. Number 44 has a side extension, but the street scene is maintained as there is an allotment access running to the side of the property. If this development is approved and construction is up to the property boundary then the remaining gap will be only 5 feet at its narrowest point which is what will be visible from the street.

Subsection c: I am happy that the proposals intend to use matching materials and include a second gable to the front elevation which is in keeping with the original design of the dwelling. However, I do not believe that the application minimises the impact on the residential amenity of myself, especially in relation to the size and proximity of the extension to the rear of the property.

Subsection d vi: The driveways to Nos 40-44 are very steep. The previous occupant of No 42 stored his waste bins at the top of his driveway bringing them down for collection on the appropriate days. The current tenants have placed the bins at the bottom of the driveway for their convenience as can be seen in the photo above. If this application is approved there will be no rear access to the property as it is attached to No. 44 and will reach the boundary with my property at no. 40, given the incline of the driveway, there will be no alternative but to store the bins at the pavement edge, this is not a well-designed nor visually unobtrusive solution.

KIRKLEES COUNCIL: HOUSE EXTENSIONS AND ALTERATIONS SPD

s1.10 The council expects proposals for new house extensions and alterations to comply with the guidance and key design principles set out in this document. Proposals which comply with this SPD are more likely to progress through the planning process quickly and successfully.

s1.11 Proposals which depart from the guidance set out in this SPD will need to provide a full justification. The council will be flexible where innovative and contemporary designs which enhance the appearance and character are proposed

I do not believe that this proposal complies with the guidance and key design principles set out in the SPD and whilst I accept that front elevation of the proposed development is in character with the existing property and immediate neighbourhood, I do not believe that is innovative and contemporary, sufficient to warrant approval in its current form.

Discussion with neighbours

s2.15 The council encourages prospective applicants to discuss their proposal with neighbours before making an application. Not only will your neighbours feel that you have

made an effort to keep them informed it will also avoid them being surprised when they receive our planning application notification letter. It will also give you an opportunity to consider changes to address their concerns before submitting your application.

As explained above, shortly after Mr Abbas took possession of his property, I had discussions with him and a builder in relation to him intending to undertake works to his driveway to make it more accessible to vehicles. I raised no objection in principle but mistakenly believed that he intended to dig down and level a portion of his driveway and I drew his attention to the Party Wall Act as any excavation might have a knock-on effect on the foundations of my house. It later transpired that he had only been proposing to smooth out the drive rather than to excavate it and lower/level it.

Weeks later Mr Abbas asked me to visit him outside his house and he introduced me to his architect and explained that he had decided not to proceed with the driveway works as he now intended to move ahead with his long-term plan of extending the house and moving in his own family. He mentioned a side extension and the possibility of a single storey extension to the rear. The principal discussion between the architect and myself was in relation to the boundary line between the two properties and we made a verbal agreement upon this. There was no discussion at that time upon the full scale of the development, nor was I made aware that the extension would come up to my boundary line. Both Mr Abbas and the architect gave me the impression that they would wish to deal with any difficulties amicably to avoid conflict. I was left with the impression that I would probably be given sight of their proposals before they moved forward.

The next time I became aware of the development is described above. I have not received a planning application notification letter and could easily have missed the planning notice, which in any event has subsequently been removed. I have not made a further approach to Mr Abbas or his architect as I have devoted my time to preparing this formal objection to the Planning Application believing the opportunity for informal discussions and amendments to have now passed. *(Update, on Thursday 8 October Jafar rang me and told me about his application. I advised him that I was submitting an objection and that it principally related to building up to the building line and overshadowing at the rear.)*

s 2:16 Whilst not a material planning consideration, extensions and walls that are built right up to the property boundary can often cause problems. In many cases the consent of adjoining owners will be necessary. If you intend to carry out work on, or within close proximity to your neighbour's boundary or party walls, you will need to consider the requirements of the Party Wall Act 1996. This is designed to resolve disputes which may arise between neighbours when building work is carried out. ....

This application will require steps to be taken under the Party Wall Act due to the proximity of the proposed works to my house and its foundations. I am also concerned that building up to the property line may lead to a requirement for foundations to be laid within my property to support a wall at the boundary line. I also expect that a builder would be relying on my agreement to the erection of scaffolding on my land to construct the proposed extension. Furthermore, if the extended building abuts the property boundary any future maintenance work would also require access to my property which may impact on my ability to sell my house in

the future. It appears that the proposed external treatment would be rendering to match the original and this is likely to require maintenance in the medium term. In the light of how this application has been progressed and the extent to which it impacts on my enjoyment of my property I may not be minded to co-operate on these issues.

s3 Site appraisal

3.1 .....Site appraisals will inform the proportion, position, size and scale of the extension and will provide a well-designed scheme that makes optimum use of the existing building which reflects the character of the original house and adjacent properties

- ***Views and landform – views into, within, across and out of the site and site levels, ...***

The two-storey rear element of the proposed extension will extend for three metres, with the single storey element beyond leaving the view from my property of a wall over three metres long and over 5 metres tall with a roof above.

- ***Orientation – position of the house in relation to the path of the sun and shadows that will be cast from buildings and trees.***

There is no clear indication on the drawings attached to the application as to orientation and path of the sun. However, I believe that on the floor plan layout drawings the line shown on the site plan and marked 0.6 m is probably equivalent to an east-west line and from this it can be seen that the proposed 2 storey extension will block sunlight to the back of my house until late afternoon each day. My dining room, which is the closest room at the rear of the property, is already the darkest room in the house and this proposal and the existence of the fir tree at the bottom of my neighbour's garden will mean that it receives virtually no sunlight other than in the height of summer.

The surroundings – assess the relationship of the existing house to its immediate surroundings including the:

- ***General characteristics – the character of the street or the area, the rhythm and the spacing between the houses.***

This development will significantly affect the rhythm and spacing between houses.

Neighbouring houses – assess the relationship of the existing house with neighbouring properties and how the proposed extension or alteration may affect adjoining residents, including:

- ***Overlooking – the position of windows of neighbouring properties which could be overlooked by an extension***
- ***Property boundaries – consider any impact on adjoining gardens.***

I appreciate that the rear extension does not have any windows on the side elevation which could directly overlook my property however the scale of the extension will nevertheless significantly impact upon the views from my house. To the immediate rear of my property, we

have built a patio area with a dry-stone retaining wall with planting beds above. The imposing nature of the proposed extension is likely to impact upon my ability to maintain flowering plants and shrubs in this area. It will also significantly impact upon the time we will be able to spend on the patio area due to the level of shade created by the extension.



View of 42 York Avenue from my patio, the proposed 2 storey extension will come up to my property line and extend out further than the apex of the garage visible to the rear of the property.
This gives an indication of the extent to which we will be overshadowed especially as the roof will extend out the full distance from the ridgeline

Local context and character

s4.3

- **Terracing effect**

Whilst not completely closing the gap between no's 40 and 42 this development will significantly narrow it.

- **Building Line – Where a street or group of buildings have a clearly defined building line this should be retained. Extending forward from the street's building line will only be appropriate in certain circumstances and will be assessed on the merits of the application.**

There is no clearly defined building line in this section of York Avenue as the houses are set back and forth from one another. Because of this a realignment of the proposed extension to include

an element forward of the dwellings building line could alleviate the problems caused by the rear extension. I will return to this point later in this submission.



The fence to the right of my dining room (with French doors) is my property boundary
The proposed extension will come up to this boundary line leaving not much more than a few feet between the two houses.

Key Design principle 5: Overshadowing/loss of light

s4.16 Any house extensions or alterations are expected to not materially affect the amount of natural light presently enjoyed by a neighbouring property. Therefore, extensions will not be permitted if they unreasonably overshadow neighbouring habitable rooms and private gardens.

s4.17 When assessing the impact of overshadowing on neighbouring properties, the council will, as a starting point, have regard to the 45-degree guidelines……. In appropriate circumstances, where local context supports this, larger guidelines may be considered on a case-by-case basis.

s4.18 Consideration should also be given to the position of the proposed extension in relation to the sun's path and the impact of different times of day and year when considering the impact of the 45-degree guidelines.

Whilst other issues raised are of importance to me, this is my principal area of concern. My dining room, which is classed as a habitable room, is the closest to the proposed extension. It is already the darkest room in the house often requiring me to use artificial lighting especially during shorter days and the construction of this extension, particularly the two-storey element will detrimentally affect the amount of light I receive. Due to the proximity and overall height of the proposed rear extension this will also impact upon the bedroom above my dining room.

The drawings submitted with the application do not provide a dimension for the eave's height, before or after construction, however a dimension from ground to first floor is shown to be 2.7metres and this appears to be replicated to the eaves perhaps with some reduction. As a conservative estimate I therefore assess the eaves height to be 5 metres with a pitched roof above that, and this extends 3 metres beyond the main back wall of the existing house. This means that from my patio I will see a 6m by 5m rendered wall, with a pitched roof above, built up to my property boundary and to the right of this an additional single-storey extension. I am not conversant with the detailed application of the 45-degree guideline, but the midpoint of my dining room window is 4 metres from my boundary, and I estimate that the extension will extend at least four metres from that window. This would appear to be around the limit of the 45-degree guidance however considering the height of the extension and the sun's path I believe it would be unreasonable of the council to approve this application. My dining room faces slightly to the north of due west, and the setting sun generally falls somewhere in the region of my neighbour's fir tree or to the left of it. If this application were to be approved, it would leave me an extremely limited period of access to direct sunlight even in summer months.

The extension will also unreasonably overshadow the patio area of my garden which is immediately to the rear of the house and render it of little use for much of the day other than in the height of summer.

If the Committee or delegated officer(s) are in any doubt on this point, I request that a site visit be arranged to assist in deliberations, prior to decision making.

s4.19 Consideration of the outlook of neighbouring properties will also be considered in assessments of extensions and alterations. Dominance and outlook relate to how an extension will change the character of the neighbouring house and garden and affect the outlook from a neighbour's window. Proposals which would result in a poor or reduced outlook from neighbouring properties are unlikely to be acceptable.

My comments above are also relevant to this section and in the circumstances, I believe the current application to be unacceptable.

4.6 Parking

s4.42 Proposals should maintain appropriate access and parking arrangements, including for bicycles. The number of parking spaces required are dependent upon the size of the property and the prevailing local characteristics and will be considered on a case-by-case basis. An initial point of reference for residential development is as follows:

4+ bedroom dwellings provide 3 off-street parking spaces.

The proposal removes one parking space in the form of a garage and shortens the available driveway, which in any event is so steep it verges on being unsuitable for parking. On street parking immediately outside of the dwelling provides space for only one vehicle, though there is space available on the opposite side of the road. Whilst accepting that there is no right to park immediately outside of your own property there is room for two vehicles on street between my boundaries. The current occupants of no. 44 generally have five vehicles parked on street at night, but this still leaves space available opposite.

4.7 Waste Storage

I covered this point briefly above in my comments on the local plan but s4.44 of the SPD provides more detailed guidance on factors to be considered in reaching a decision.

4.8 Access for all Users

Disabled access would be very difficult to provide at this property as it would at my own due to the height of the properties above street level and the steepness of the driveways.

5 Detailed guidance for extensions and alterations

5.1 Rear extensions

5.1 Rear extensions should include consideration of

- ***Maintaining external access to the rear garden***

This proposal has no external access to the rear garden.

s5.4 To avoid the problems caused by loss of light, as well as loss of privacy and outlook, the sizes and projections of rear extensions need to be strictly controlled.

My comments above apply also to this section

Two-storey rear extensions

s5.8 Two-storey rear extensions will be considered based on the extent of overshadowing, loss of privacy and outlook. Generally, two-storey rear extensions should:

- ***Not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary***
- ***Be separated from the property boundary, such as a wall, fence or hedge by at least 1.5 metre***

These conditions are not met in this application.

Two-storey side extensions

s5.19 Two storey side extensions can have a significant effect on the character of the original house and the street. Adequate space between buildings should be retained to provide a sense of space which is important to the character of an area.

s5.20 Two-storey side extensions should:

- ***Not take up all or most of the space to the side of the house;***
- ***Maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property; and***
- ***Be set back at least 500mm from the front wall of the house***

The first two of these conditions are breached in relation to this application to the extent that I made my earlier comments regarding the possibility of foundations extending into my property and access being required for scaffolding for construction and maintenance purposes.

I am unclear from the plans as to whether the third condition is met

5.22 Two-storey and first floor side extensions should:

- ***Ideally be visually smaller in relation to the original house;***
- ***Be set back at least 500mm from the front of the original house to provide a vertical break from the roof plane and for the lowering of the ridgeline from the original house;***
- ***Have a roof design that follows the form of the existing roof; and***
- ***Retain a gap of at least 1 metre to boundary walls to avoid a terracing effect and to retain rear access to gardens,***

The proposal does meet the third criteria, but it is not smaller in relation to the original house, does not lower the ridgeline from the original house and leaves no gap at all to the boundary.

CONCLUSION

Having read the relevant sections of the Kirklees Local Plan and the House Extensions and Alterations SPD, it is my opinion that this application does not meet the council's planning policies nor follow its detailed guidance in relation to house extensions. The application breaches policy and guidance in relation to streetscape and scale, it encroaches too close to the property boundary, and it overshadows my habitable rooms and garden. On these principal points and the more detailed considerations laid out above I formally object to the approval of this application.

Potential for amendment to the application

I am not opposed in principle to my neighbour extending his house and I am in support of his wish to accommodate his family in the dwelling.

I believe that there are amendments which could be made which would make the application more acceptable:

- That a minimum gap of 1 metre to the boundary be created to maintain access to the rear garden, provide access for waste disposal away from the street and to facilitate the creation of foundations and accommodate scaffolding during construction. This would leave a gap of approximately three metres between our dwellings which is not ideal but could be acceptable.
- To reduce the length of the two-storey extension to the rear of the property, I believe that there are at least two ways that this could be accommodated:
    - To extend out to the front rather than the rear. Whilst this would normally not meet policy guidelines there is no property line amongst the neighbouring properties. The dwelling could be extended outward to the building line of my property with limited impact on light to the applicant dwelling and less to the neighbouring property at no. 44, due to the path of the sun. This suggestion would however require some changes to the internal layout especially on the first floor where access from the head of the stairs to the front bedroom would be compromised to some extent.
    - To redesign the ground floor layout to the house which currently has three reception rooms and a dining kitchen. If a kitchen diner was accommodated in the proposed lounge/dining area, the single storey utility washroom could then be accommodated on the footprint of the proposed kitchen. Upstairs the larger of the two new bedrooms appears to have approximately 1.5 metres more space than the front bedroom which could be removed without impacting on the layout at the top of the stairs. This would allow for a significant reduction in the two-storey extension which extends beyond the rear wall of the house and therefore overshadows my dining room and patio area.

6 October 2026