Town and Country Planning (Development Management Procedure) (England) Order 2010

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2013/70/90980/W

To: Farrar Bamforth Associates Ltd
51 Trinity Street
Huddersfield
HD1 4DN

For: J & A Marsden

In pursuance of its powers under the above-mentioned Act and Order the KIRKLEES COUNCIL (hereinafter called "The Council") as Local Planning Authority hereby permits:-

VARIATION OF CONDITION 2 ON PREVIOUS PERMISSION NO. 2005/90622 FOR ERECTION OF SINGLE STOREY EXTENSION, CONSERVATORY AND PORCH

At: 113, WATERLOO ROAD, WATERLOO, HUDDERSFIELD, HD5 0AB

In accordance with the plan(s) and applications submitted to the Council on 21-Mar-2013 [together with those plans and application(s) submitted to the Council on 17-Feb-2005 and incorporated into planning permission 2005/90622 granted on 08-Apr-2005] and subject to the condition(s) specified hereunder:-

1) The development hereby permitted shall be carried out in complete accordance with the plans and specifications listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: To ensure the satisfactory appearance of the development on completion, and to accord with policies D2, BE1 & BE2 of the Kirklees Unitary Development Plan and the National Planning Policy Framework

2) The external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building.
Reason: In the interests of visual amenity and to accord with Policies D2 and BE2 of the Kirklees Unitary Development Plan and national planning guidance in the National Planning Policy Framework

3) Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Act or Order with or without modification) no new door or window openings other than those expressly authorised by this permission, shall be constructed in the external walls of the extensions approved at any time without the prior written approval of the Local Planning Authority.
Reason: So as to protect the residential amenity of neighbouring occupants from any loss of privacy and to accord with PolicyD2 of the Kirklees Unitary Development Plan.

4) The window opening in the side (south) elevation serving the porch, as shown on drawing no 13/D16/01 Rev A, shall be obscurely glazed (minimum grade 4). Thereafter notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 (or anything revoking or re-enacting that Act with or without modification) the obscure glazing shall be retained throughout the lifetime of the development.
Reason: So as not to detract from the privacy of the adjoining residential development and to accord with Policy D2 of the Kirklees Unitary Development Plan.

The proposal is considered acceptable having regard to all material planning considerations including national planning policy and guidance, and policies and proposals of the Development Plan set out below:

Kirklees Unitary Development Plan:

- **D2**- General development criteria
- **BE1** – Design principles
- **BE2** – Quality of design

National Planning Policy Framework

- **Chapter 7**, requiring good design.

The design is of an acceptable standard which would not adversely affect the character of the area nor the amenity of nearby residents.

There are no other material considerations which outweigh these findings.

This decision is based on the following plan(s):-

Plan Type	**Reference**	**Version**	**Date Received**
Location Plan	OS		21st March 2013
Plans & Elevations as approved under 2005 permission	04/D139/01		21st March 2013
Plans & Elevations as Proposed	13/D16/01	A	21st March 2013

Pursuant to article 31(1)(cc) of the Town and Country Planning (Development Management Procedure) Order 2010 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Leeds City Region Development Management Pledge and otherwise actively engaged with the applicant in dealing with the application

Building Regulations Approval is required for most work involving building operations and/or structural alterations. It is the applicant's responsibility to find out if the work permitted by this planning permission needs approval under the Building Regulations, and if necessary to submit an application. If you are not the applicant can you please ensure the applicant is aware of this requirement. Contact Building Control on Telephone: (01484) 221550 for more information.

Development within a Coal Mining Area

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848.

Further information is also available on The Coal Authority website at www.coal.decc.gov.uk

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

The application has been publicised by notice(s) in the vicinity of the site. It is respectfully requested that the notice(s) now be removed and responsibly disposed of to avoid harm to the appearance of the area

Appeals to the Secretary of State

- **If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.**
- **If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within:**
  28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.
- **If you want to appeal against your Local Planning Authority's decision then you must do so within 6 months of the date of this notice.**

- Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs.
- You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

Please note, only the applicant possesses the right of appeal.

Purchase Notices

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to fill in the online form www.kirklees.gov.uk/PlanningApplication so that we can work on continually improving our customer service. Thank you.

Dated: 16-May-2013

Signed:

Jacqui Gedman
Director of Place

Decision Documents

The decision notice indicates which documents relate to the decision. These documents can be viewed online at the Planning Services website at www.kirklees.gov.uk/planning, and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2013/70/90980/W.

If a paper copy of the decision notice or decided plans are required please email planning.contactcentre@kirklees.gov.uk or telephone 01484 414746 with the application number. There may be a charge for this service.

All communications should be sent to one of the following address:

E-mail: planning.contactcentre@kirklees.gov.uk

Write to: Planning Services
Investment and Regeneration
PO Box B93
Civic Centre III
Off Market Street
Huddersfield
HD1 2JR