Town and Country Planning (Development Management Procedure) (England) Order 2015

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2017/70/91318/W

To: Mr Chris West
7, Brook Side
Slaithwaite
Huddersfield
HD7 5BZ

For: Mr H Ghafoor

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 CONDITIONS 2 (PLANS) AND 3 (MATERIALS) ON PREVIOUS PERMISSION 2015/92955 FOR ERECTION OF DETACHED DWELLING

At: LAND ADJ, 269, NEW HEY ROAD, OAKES, HUDDERSFIELD, HD3 4GH

In accordance with the plan(s) and applications submitted to the Council on 13-Apr-2017 [together with those plans and application(s) submitted to the Council on 17-Sep-2015 and incorporated into planning permission ref no. 2015/62/92955/W granted on 12-Nov-2015] 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 schedule 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: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies BE1 and BE2, T10, BE12 of the Kirklees Unitary Development Plan.

2. The dwelling's front and rear elevations shall be constructed using regular coursed stone and with stone roof slates, to harmonise with the facing and roofing materials of no. 269 New Hey Road. The dormer shall be faced in 'Metal Sheet Cladding' in dark grey. The side elevations shall be faced in through coloured render to harmonise with the stone used on the front and rear elevations before the dwelling is first occupied and thereafter retained as such.
Reason: In the interests of visual amenities and to accord with Policy BE1 of the Kirklees Unitary Development Plan.

3. Prior to the occupation of the hereby approved dwelling a 2.0m high close boarded fence shall be installed along the east, south and west boundaries of the dwelling's 'Garden', as shown on plan referenced HG01. Thereafter a 2.0m high close boarded fence shall be retained along the east, south and west boundaries of the dwelling's 'Garden', as shown on plan referenced HG01.
Reason: In the interest of residential amenity, to protect the privacy of the occupiers of the hereby approved dwelling and no.269 New Hey Road, to accord with Policy BE1 of the Kirklees Unitary Development Plan.

4. The measures implemented on site for the protection of users of the public footpath Huddersfield 363 during the period of construction, consisting of the erection of temporary boundary fencing, shall be maintained through the period of construction.
Reason: In the interests of pedestrian safety and to accord with Policies T10 and R13 of the Kirklees Unitary Development Plan.

5. Notwithstanding the submitted plans prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained.
Reason: In the interests of highway safety, to avoid an increase in flood risk and to achieve a satisfactory layout and to accord with Policy T10 of the Kirklees Unitary Development Plan and guidance in Chapter 10 of the National Planning Policy Framework.

6. The development shall not be occupied until all windows on the east side elevation of the dwelling hereby approved have been obscure glazed (minimum Grade 4). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order with or without modification) the obscure glazing shall thereafter be retained.
Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy BE12 of the Kirklees Unitary Development Plan.

7. Notwithstanding the submitted plans, the raised balcony area shall not be brought into use until obscurely glazed privacy screens (minimum Grade 4) measuring 1.8m in height from upper ground 'deck' level as indicated on dwg HG01 have been erected along the entirety of east side elevation of the balcony, which shall be thereafter retained.
Reason: In the order to protect the amenities of the occupants of the hereby approved dwelling and no.269 New Hey Road, by reason of loss of privacy and to accord with Policy BE1 of the Kirklees Unitary Development Plan.

8. Prior to occupation of the dwelling, an electric vehicle recharging point shall be installed. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. Thereafter the electric vehicle charging point shall be retained.
Reason: In the interest of promoting low carbon forms of sustainable transport and to accord with policy guidance in Chapter 11 of the National Planning Policy Framework and the West Yorkshire Low Emissions Strategy Planning Guidance.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no extensions or outbuildings included within Classes A, B and E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.
Reason: In the interest of visual and residential amenities in accordance with Polices BE1 and BE12 of the Kirklees Unitary Development Plan.

Note: Public footpath Huddersfield 363 is adjacent to the development site and must not at any time prior to, during or after construction be interfered with or obstructed without the written consent of the local highway authority. The applicant is advised to contact the Public Rights of Way Unit at Civic Centre 3, Huddersfield or tel: 01484 221000 regarding condition no. 5. Formal temporary closure of the footpath would be by separate process and agreement, subject to separate fees.

Note: Link to Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens' published 13th May 2009 (ISBN 9781409804864):
www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens

Note: It is the applicant's responsibility to find out whether the work approved by this planning permission requires written approval from the Highways Structures section for works near or a butting highway and any retaining structures. Contact Highways Structures Section on Tel No. 01484 221000 Ext 74199 for further advice on this matter.

Note: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 414700) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

Note: The granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership.

Note: Link to original application 2015/62/92955/W;

http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2015%2f92955

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Grouped Plans and Elevations(amended)			05.05.2017
Proposed Elevations			28.10.2015 (Submitted under 2015/62/92955/W)

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 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 Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

Amendments were received to retain the rear elevation in stone. The decision is based on the amended plans.

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 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

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 or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against the local planning authority's decision on your application, then you must do so within:**

i) 28 days from the date of this notice where the enforcement notice has been served,
ii) 28 days of the date of service of the enforcement notice or,
iii) the specified period starting from 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 the specified period, starting on the date of this notice.**

- **The "specified period" is 12 weeks where the development relates to a "minor commercial application" as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.**

- **Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at https://www.gov.uk/planning-inspectorate. Further information on the Planning Appeal process can be found online at the Planning Inspectorates website https://www.gov.uk/government/organisations/planning-inspectorate.**
- **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 email your comments to dc.admin@kirklees.gov.uk so that we can work on continually improving our customer service. Thank you.

Dated: 08-Jun-2017

Signed:

Naz Parkar
Strategic Director Economy and Infrastructure

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 2017/70/91318/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
