

## **Planning Application Decision Notice**

**To:** Adrian Smith  
23, Greenfield Road  
Holmfirth  
HD9 2LA

**For:** Adrian Smith

### **Town and Country Planning Act 1990**

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

### **PLANNING PERMISSION FOR DEVELOPMENT**

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**Application Number: 2017/62/92124/W**

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**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:-**

DEMOLITION OF GARAGE AND ERECTION OF TWO STOREY AND SINGLE STOREY REAR EXTENSION WITH FIRST FLOOR BALCONY AND DETACHED GARAGE (WITHIN A CONSERVATION AREA)

**At:** 33, WILSHAW ROAD, MELTHAM, HOLMFIRTH, HD9 4DZ

**In accordance with the plan(s), documents and application submitted to the Council on 21-Jun-2017, except as amended or specified, details of which can be found in the table below and subject to the condition(s) specified hereunder:-**

1. The development hereby permitted shall be begun within three years of the date of this permission.

**Reason:** Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. 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, to ensure that the openness and character of the Green Belt is protected, and that the character and appearance of the Wilshaw Conservation Area is retained and enhanced, and to accord with Policies D11, BE5, BE11, BE13 and BE14 of the Kirklees Unitary Development Plan and Policies in the National Planning Policy Framework.

3. The external walls and roofing materials of the extension and detached garage hereby approved shall in all respects match those used in the construction of the existing building.  
**Reason:** In the interests of visual amenity to ensure that character of the Green Belt is protected, and the character and appearance of the Wilshaw Conservation Area is retained and enhanced, and to accord with Policies D11, BE1, BE2, BE5, BE11 and BE13 of the Kirklees Unitary Development Plan and Policies in the National Planning Policy Framework.

4. Notwithstanding the approved plans the hereby approved first floor balcony area shall not be brought into use until an obscure privacy screen (minimum Grade 4) has been erected along the entirety of the eastern side elevation of the balcony (measuring 1.7m in height from the floor of the balcony), the screen which shall be thereafter retained.  
**Reason:** In the order to protect the amenities of no.33A Wilshaw Road, by reason of loss of privacy and to accord with Policies D2 and BE1 of the Kirklees Unitary Development Plan.

5. 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 development included within Classes A, B, C, D 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 interests of the protection of the openness and character of the Green Belt from inappropriate development that would occur through disproportionate extensions to the original building and through the erection of new buildings and to accord with Policy D11 of the Kirklees Unitary Development Plan and Policies set out in Chapter 9 of the National Planning Policy Framework.

6. Notwithstanding the approved plans, all roof lights as shown on approved drawing number 02 shall be of a 'conservation' style, designed to fit flush to the plane of the roof on first installation. All roof lights as shown on approved drawing number 02 shall be thereafter retained in 'conservation' style designed to fit flush to the plane of the roof.  
**Reason:** In the interests visual amenity and to protect the character and appearance of the Green Belt and to ensure that the character and appearance of the Wilshaw Conservation Area is retained and enhanced and to accord with Policies D11, BE1, BE2, BE5 and BE13 of the Kirklees Unitary Development Plan and Policies in the National Planning Policy Framework.

7. The detached garage hereby approved, as shown on the approved plan Dwg. No. 03, shall not be brought into use until the existing detached sectional garage has been demolished, in accordance with the details set out on the approved plan Dwg. No. 03.  
**Reason:** In the interests of visual amenity to ensure that character of the Green Belt is protected, and the character and appearance of the Wilshaw Conservation Area is retained and enhanced, and to accord with Policies D11, BE5, BE11 and BE13 of the Kirklees Unitary Development Plan and Policies in the National Planning Policy Framework.

8. The development shall not be occupied until the first floor bathroom window in the western side elevation of the extension hereby approved has been fitted with obscure glazing, minimum grade 4. 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 2015 (or any Order revoking or re-enacting that Order with or without modification) the window shall thereafter be so retained obscure glazed.  
**Reason:** So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy BE14 of the Kirklees Unitary Development Plan.

**NOTE:** The development site is located within the councils bat alert area. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Existing Plans and Elevations	01		21/06/2017
Existing and Proposed Detached Garage and Location Plan	03		21/06/2017
Proposed Plans and Elevations	02		21/06/2017
Design and Access Statement			21/06/2017

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 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.

The agent was not contacted during the course of the application as it was considered to be acceptable in its original format.

### **Building Regulations**

- 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. Please contact Kirklees Building Control on 01484 221550 or via e-mail to [building.control@kirklees.gov.uk](mailto:building.control@kirklees.gov.uk), alternatively visit [www.kirklees.gov.uk/psc](http://www.kirklees.gov.uk/psc) for more information.

### **Site Notice**

- The application has been publicised by notice(s) in the vicinity of the site. Please would you now remove the notice(s) and responsibly dispose of to avoid harm to the appearance of the local area.

### **Details Reserved by Condition**

- This permission has been granted subject to conditions. Some of the conditions may require you to submit further details. These conditions normally contain the wording "***submitted to and approved in writing by the Local Planning Authority***".
- You can apply online for approval of these details at the Planning Portals website at [www.planningportal.gov.uk](http://www.planningportal.gov.uk). Alternatively the forms and supporting guidance for submitting an application can be found online at [www.kirklees.gov.uk/planning](http://www.kirklees.gov.uk/planning).
- This Authority recognises the need to ensure that you are able to develop the site as effectively and flexibly as possible. However, at the same time it must ensure that development is in accordance with the terms of the planning conditions and legal agreement and the expectations of elected members and local residents set through the decision process.
- You should note the triggers for compliance with the conditions of this planning permission. This Authority is committed to processing applications to discharge conditions in a timely manner. It is important to ensure that submissions are made as far in advance of the trigger to allow time for adequate consultation, discussion and in some circumstances publicity.
- It is important that applications to discharge conditions are accompanied by sufficient information to enable this Authority and its consultees to fully consider and determine the proposals. Whilst officers will endeavour to negotiate solutions, failure to provide a comprehensive submission may result in delay and refusal of the application.
- If you commence work without discharging conditions you are at risk of enforcement action and invalidating your permission if the planning condition is a pre commencement condition.

### **Amendment(s) to Approved Plans**

- This permission relates to the plans and documents listed on this decision notice. Should the proposal change significantly, a new application will be required.
- If however the change proposed is small, such as an altered window or door, you can apply for the change to be considered as a non-material amendment. The forms and supporting guidance for non material amendments are available online at the Planning Portal's website at [www.planningportal.gov.uk](http://www.planningportal.gov.uk), alternatively the forms can also be found at [www.kirklees.gov.uk/planning](http://www.kirklees.gov.uk/planning).

### **Highways Structures**

- It is the applicant's responsibility to find out whether any works approved by this planning permission, which involve excavating or working near public highway and any highway structures including retaining walls, will require written approval from the Council's Highways Structures Section. Please contact the Highways Structures Section on Tel No. 01484-221000 Ext 74199 for further advice on this matter.

## **Appeals to the Secretary of State**

- If you are aggrieved by the decision of your Local Planning Authority 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.
- As this is a decision for a householder application, if you want to appeal against your Local Planning Authority's decision to impose planning conditions then you must do so within 6 months of the date of this notice.
- 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 28 days of the date of service of the enforcement notice.
- 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 the owner 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 the owner's interest in the land in accordance with the provisions of Chapter I 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](mailto:dc.admin@kirklees.gov.uk) so that we can work on continually improving our customer service. Thank you.

**Dated:** 22-Aug-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](http://www.kirklees.gov.uk/planning), and by clicking on the 'search planning applications and decisions' and by searching for application number 2017/62/92124/W .

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

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

**E-mail:** [planning.contactcentre@kirklees.gov.uk](mailto:planning.contactcentre@kirklees.gov.uk)

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

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