

Planning Application Decision Notice

To: Paul Matthews Architectural
Malkin Farm
Brow Lane
Holmfirth
HD9 2RJ

For: MR & MRS R TAYLOR

Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2017/62/92919/W

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 EXISTING REAR EXTENSION AND GARAGE AND ERECTION OF SINGLE STOREY REAR EXTENSION AND GARAGE

At: 52, HALL BOWER LANE, HALL BOWER, HUDDERSFIELD, HD4 6RW

In accordance with the plan(s), documents and application submitted to the Council on 05-Sep-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 in the interests of visual amenity and to preserve the openness of the Green Belt and to accord with Policies D11, BE13 and BE14 of the Kirklees Unitary Development Plan, Policies PLP24 and PLP57 of the Kirklees Publication Draft Local Plan and guidance in Chapters 7, 9 and 12 of the National Planning Policy Framework.

3. 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 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:** So as to preserve the openness of the Green Belt and to avoid inappropriate development in the Green Belt in accordance with Policy D11 of the Kirklees Unitary Development Plan, Policy PLP57 of the Kirklees Publication Draft Local Plan and guidance in Chapters 9 of the National Planning Policy Framework.

4. The garage shall not be brought into use until all new areas of hardstanding shown on the approved plans have been laid out with a hardened and drained surface 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 as amended or any successor guidance. These areas of hardstanding shall thereafter be retained surfaced in accordance with this guidance.

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking, to avoid an increase in flood risk and in accordance with Kirklees Unitary Development Plan Policy T10, Kirklees Publication Draft Local Plan Policy PLP21 and Chapter 10 of the National Planning Policy Framework.

INFORMATIVE

Any areas of hardstanding areas (patio, driveways etc.) within the development shall be constructed of a permeable surface so flood risk is not increased elsewhere. There are three main types of solution to creating a permeable surface:

- Using gravel or a mainly green, vegetated area.
- Directing water from an impermeable surface to a border rain garden or soakaway.
- Using permeable block paving, porous asphalt/concrete.

Further information can be found [here](#)

INFORMATIVE

It is recommended that a drain tracing/associated pipework survey is undertaken prior to commencement of any works to ensure that sufficient standoff distance is provided for maintenance access. This should be 3m either side of the pipe.

INFORMATIVE

Public footpath number HUD 180-40, which crosses/abuts the site, shall not at any time prior to, during or after construction of the proposed development be unofficially obstructed or closed without prior written consent of the Local Planning Authority.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	17/430/01a		5/09/2017
Existing Block Plan	17/430/02		22/08/2017
Existing Floor Plans	17/430/03		22/08/2017
Existing Elevations	17/430/04		22/08/2017
Existing Site Plan	17/430/05		22/08/2017
Proposed Garage Plans and Elevations	17/430/06	A	16/11/2017
Proposed Floor Plans	17/430/07		22/08/2017

Plan Type	Reference	Version	Date Received
Proposed Elevations	17/430/08		22/08/2017
Proposed Site/Block Plan	17/430/09	A	16/11/2017

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.

Amendments were sought to reduce the size of the replacement garage, remove the terrace and to re-site it. These were principally to overcome the impact of the development on the openness of the Green Belt and the impact on the amenities of nearby residents. This decision is based on the amended plans received.

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, alternatively visit www.kirklees.gov.uk/pbc 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. Alternatively the forms and supporting guidance for submitting an application can be found online at 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, alternatively the forms can also be found at 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.

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

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 so that we can work on continually improving our customer service. Thank you.

Dated: 04-Dec-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 planning applications and decisions' and by searching for application number 2017/62/92919/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
