



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2011/62/92075/W

To: J Lijka
2, Gorse Road
Marsh
Huddersfield
HD3 4BN

For: J LIJKA

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:-

**EXTENSION TO TIME LIMIT FOR IMPLEMENTING EXISTING PERMISSION
NO. 2008/92545 FOR ERECTION OF 1 NO. DETACHED DWELLING WITH
ASSOCIATED PARKING**

At: 2, GORSE ROAD, MARSH, HUDDERSFIELD, HD3 4BN

In accordance with the plan(s) and applications submitted to the Council on 02-Aug-2011, subject to the condition(s) specified hereunder:-

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted

Reason: Pursuant to Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Order 2004.

2. The development hereby permitted shall be carried out in complete accordance with the approved plans and specifications, except as may be required by other conditions, unless otherwise approved in writing by the Local Planning Authority.

Reason: So as to ensure the satisfactory appearance of the development on completion and to accord with Policies BE1 and BE2 of the Unitary Development Plan.

3. A sample facing brick and roofing tile shall be submitted to and approved in writing by the Local Planning Authority before development commences and the development shall be constructed using the approved materials.

Reason: So as to ensure that the development harmonises with its surroundings and to accord with Policy BE2 of the Unitary Development Plan.

4. Before development commences, details of existing and proposed ground levels of the site and the proposed finished floor level of the dwelling hereby approved, related to an identifiable datum point, shall be submitted to and approved in writing by the Local Planning Authority and the dwelling shall be constructed in accordance with the approved details.

Reason: So as to ensure that the development harmonises with its surroundings and to accord with Policy BE2 of the Unitary Development Plan.

5. The upper-floor window on the side elevation shown on the approved plans shall be fitted with obscure glazing (minimum grade 4) before the dwelling is first occupied or brought into use. 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 Order with or without modification), windows of this type shall be retained at all times unless otherwise approved in writing by the Local Planning Authority.

Reason: So as not to detract from the amenities of the adjoining property by reason of loss of privacy and to accord with Policy BE12 of the UDP.

6. 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 Order with or without modification), no door or window openings other than those expressly authorised by this permission shall be constructed in the external side walls of the dwelling at ground floor level, or in the roof, without the prior written approval of the Local Planning Authority.

Reason: So as not to detract from the amenities of the adjoining properties by reason of loss of privacy and to accord with Policy BE1 and BE2 of the UDP.

7. 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 Order with or without modification), no buildings or extensions other than those shown on the approved drawings shall be erected or constructed within the area edged in red on the approved plans without the prior written approval of the Local Planning Authority.

Reason: To ensure that future extensions or buildings do not lead to overdevelopment of the site or cause loss of amenity to neighbouring residential properties by reason of overbearing impact or loss of privacy, and to accord with the aims of Policies D2, BE1 and BE2 of the Unitary Development Plan.

8. The areas to be used by vehicles including parking, loading and unloading area shall be laid out and surfaced before the dwelling is first occupied or brought into use and shall thereafter be retained throughout the life of the development. The hardstanding shall be laid in such a way as to form a permeable surface.

Reason: In the interests of highway safety, to create a satisfactory layout, and to ensure that the development does not give rise to increased water run-off leading to increased flood risk, and to accord with the aims of Policies T10 and T19 of the Unitary Development Plan and with the aims of PPS25 (Development and Flood Risk Practice Guide).

The decision to grant planning permission has been taken having regard to the policies and proposals in the Kirklees Unitary Development Plan and national planning policy documents set out below, and to all other relevant material considerations:

D2 – General principles

BE1 – Design principles

BE2 – Quality of design

BE12 – Space about buildings

T10 – Highway safety

T19 – Parking standards

PPS3 – Housing

PPS25 – Development and Flood Risk Practice Guide

Communities and Local Government – *Greater flexibility for planning permissions*

The reasons for granting planning permission can be summarised as follows:

The development is appropriate in principle because it would occupy a sustainable location in a built-up area. The design is of an acceptable standard which as conditioned would not adversely affect the character of the area or the amenity of nearby residents. The development would not create or materially add to highway safety problems and as conditioned would not increase flood risk.

There are no other material considerations which outweigh these findings.

The decision is based on the following plan/s:-

Plan Type	Reference	Version	Date Received
Location Plan	00		11-Jul-2008
Block Plan	04	E	02-Sep-2008
Proposed Floor Plans	05	A	11-Jul-2001
Proposed Elevations	06	C	02-Sep-2008
Driveway details	07		02-Sep-2008
Design & Access Statement			02-Sep-2008

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 Tel No: (01484) 221550 for more information.

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 abutting highway and any retaining structures. Contact Highways Structures Section on Tel No: (01484) 225397 who can advise further on this matter.

The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. Applicants must investigate and take account of these hazards prior to commencing development and introduce appropriate measures to address risks both within and beyond the development site. Any intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity, and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

An electronic version of the full Standing Advice, which you are strongly advised to read and details of the coalfield consultation areas can be provided on request to: planningconsultation@coal.gov.uk

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: 14-Oct-2011

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 planning applications and decisions' and by searching for application number 2011/62/92075/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
