

KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

**Town and Country Planning Act 1990 (as amended)
Article 27 - Town and Country Planning (Development Management
Procedure) Order 2015**

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No: 2019/45/93669/W

Site Address: 2, Gorse Road, Marsh, Huddersfield, HD3 4BN

Description: Confirmation of compliance of conditions on previous permission 2011/92075 for extension to time limit for implementing existing permission 2008/92545 for erection of 1 detached dwelling with associated parking

Recommending Officer: William Simcock

DECISION – Confirmation of partial compliance with conditions

I hereby authorise that there has been partial compliance with the conditions imposed on the planning permission for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Teresa Harlow

AUTHORISED OFFICER

Date: 03-Dec-2019

DRAFT LETTER

I write concerning your request for confirmation that the conditions on the above application have been complied with.

The conditions will be examined in turn, as follows:

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.

Kirklees Council records show that an application for Building Regulations approval (ref. 2014/01113) was made and an inspection found that works had commenced by 3rd October 2014. This demonstrates that development was begun within three years of the date on which permission was granted (14th October 2019) so this condition is discharged.

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.

From a brief viewing, the new dwelling appears to have been completed in accordance with the approved plans and specifications, except in some minor details. Three of the upper floor windows have been made wider so as to consist of three panes instead of two, a ground-floor side-facing window has been omitted, and the brick quoins at each corner at upper floor have been omitted. These are however considered to be very minor changes and in my opinion it would be reasonable to treat them as non-material amendments under the terms of the condition. It is therefore considered that the condition has, to all practical intents and purposes, been complied with.

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.

A sample brick and tile were subsequently submitted and approved. The materials that have been used on the completed development appear to accord with the approved samples and so the condition is considered to have been complied with.

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.

Levels related to an identifiable datum point were subsequently submitted and approved. From an external viewing it would appear that the actual floor levels are the same or very similar to those approved. This condition is therefore considered to have been complied with.

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.

When the case officer visited the site, the upper floor window had been fitted with glazing to give an acceptable degree of obscurity. Provided it is so retained at all times, the development will be in conformity with this condition.

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.

On the basis of a site visit it appears that this condition has, so far, been complied with. Provided that no additional side-facing ground floor windows or rooflights are formed without the appropriate consent, the development will be in conformity with this condition.

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.

At the time of the case officer's site visit, no outbuildings or extensions had been erected. Provided that no extensions or outbuildings are erected or constructed without the appropriate consent, the development will be in conformity with this condition.

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 approved site plan shows a parking area / driveway to be formed on the left side of the new dwelling with access to the highway. A space for parking has been laid out with a hard surface in the location as shown on the plan.

The condition requires the hardstanding to be formed in such a way as to form a permeable surface. From viewing the development it is not possible to tell with any degree of certainty whether the material laid is permeable. On the basis of the information available it is therefore not possible to confirm that this condition has been fully complied with.

Report Dated: 02-Dec-2019

