



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2021/62/92692/W

To: J Wadsworth
117, Cowlersley Lane
Cowlersley
Huddersfield
HD4 5UX

For: J Wadsworth

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:-

ERECTION OF DWELLING

At: ADJ, 117, COWLERSLEY LANE, COWLERSLEY, HUDDERSFIELD, HD4
5UX

**In accordance with the plan(s) and applications submitted to the Council on
09-Jul-2021, 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, and to accord Policy LP24 of the Kirklees Local Plan, Chapters 12 and 16 of the National Planning Policy Framework and the adopted SPD 'housebuilders design guide'.

3. Notwithstanding the submitted plans, the external walls of the dwelling hereby approved shall be constructed of coursed natural stone, gauged with subtle diminishing courses to match the existing terrace row (nos. 111-117 Cowlersley Lane). The stone shall be of a colour and facing to match the existing terrace row (nos. 111-117 Cowlersley Lane and shall be thereafter retained with this finish.

Reason: In the interests of visual amenity and to ensure that the approved dwelling is sited unobtrusively in the streetscape, avoiding any jarring or adverse impact on the adjacent terrace or the setting of the adjacent listed buildings, to accord with Kirklees Local Planning Policies LP24 and LP35 and Chapters 12 and 16 of the National Planning Policy Framework.

4. Notwithstanding the submitted plans, the materials used within the roof of the dwelling hereby approved shall consist of natural blue slate roof tiles to match the existing terrace row (nos. 111-117 Cowlersley Lane) and shall be thereafter retained with this finish.

Reason: In the interests of visual amenity and to ensure that the approved dwelling is sited unobtrusively in the streetscape, avoiding any jarring or adverse impact on the adjacent terrace or the setting of the adjacent listed buildings, to accord with Kirklees Local Planning Policies LP24 and LP35 and Chapters 12 and 16 of the National Planning Policy Framework.

5. The development shall not be occupied until the first-floor bathroom window on the rear elevation of the dwelling 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) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) the window shall thereafter be so retained obscured glazed.

Reason: So as not to detract from the amenities of adjacent neighbouring properties by loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan and the Council's adopted Housebuilder Design Guide SPD.

6. No development to install the new windows and doors on the hereby approved dwellinghouse shall take place until design and joinery details at 1:5 and elevations at 1:20 have been submitted to and approved in writing by the Local Planning Authority. These details shall include information relating to the depth of the reveal, stone cills and lintels, which are all to match the extant terrace. The development shall then be carried out in complete accordance with the approved details and retained thereafter.

Reason: For the avoidance of doubt as to what is being permitted and to ensure the satisfactory appearance of the development on completion to retain the significance of the designated heritage assets and to accord with Policies LP24 and LP35 of the Kirklees Local Plan, as well as Chapters 12 and 16 of the National Planning Policy Framework and Principle 14 of the Housebuilders Design Guide SPD.

7. Before the hereby approved dwelling is brought into use, one electric vehicle recharging point shall be provided within the dedicated parking area to serve the dwelling. 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. The electric vehicle charging point so installed shall thereafter be retained.

Reason: To encourage ultra-low emission vehicles in the interests of air quality and to accord with the guidance contained in Chapter 9 and Chapter 15 of the National Planning Policy Framework, the West Yorkshire Low Emissions Strategy, Policy LP24 of the Kirklees Local Plan and Principle 18 of the Housebuilders Design Guide SPD.

8. Prior to the development being brought into use, all areas indicated to be used for access and parking on the hereby approved plans shall be laid out with 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 shall be so retained, free of obstructions and available for their intended use.

Reason: In the interests of highway safety and to achieve a satisfactory layout, to mitigate flood risk and in accordance with Policies LP21 and LP22 of the Kirklees Local Plan, the adopted Housebuilders Design Guide SPD and Government guidance contained within the National Planning Policy Framework.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) 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 within the site outlined in red on hereby approved Location Plan – Drawing no. CL01 Rev A, without the prior written consent of the Local Planning Authority.

Reason: To prevent further development of the site, which could materially harm the visual amenity of the site and the amenity of neighbouring residents, to comply with Policies LP24 and LP35 of the Kirklees Local Plan, Chapters 12 and 16 of the National Planning Policy Framework, and principles 6 and 17 of the adopted Housebuilders Design Guide SPD.

10. The 1.8m high opaque glass privacy screen shown on the hereby approved plans shall be installed prior to the raised decking area to the rear being first brought into use and retained thereafter.

Reason: In the interests of residential amenity and to accord with Policy LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and principle 6 of the Housebuilders Design Guide SPD.

11. Notwithstanding the approved plans and information, 1 new bat tube similar to the Schwegler type 1FR bat boxes, shall be installed integral to the new dwelling during the period of construction on the south-western (side) elevation at least 3 metres above ground and not directly above doors or windows. Thereafter the bat tube shall be retained.

Reason: To enhance opportunities for biodiversity at the site and to accord with national guidance set out in Chapter 15 of the National Planning Policy Framework, Policy LP30 of the Kirklees Local Plan and Principle 9 of the Housebuilders Design Guide SPD.

NOTE: Electric Vehicle Charging Points –

- A standard electric vehicle charging point is one which is capable of providing a continuous supply of at least 16A (3.5kW). a 32A (7kW) is however more likely to be futureproof.
- Standard charging points for single residential properties that meet the requirements specified in the latest version of “*Minimum technical specification – Electric Vehicle Homecharge Scheme (EVHS)*” by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of at least 16A (3.5kW) and have Type 2 sockets would be acceptable.
- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.
- The installation must comply with all applicable electrical requirements in force at the time of installation.

NOTE: The changes to the access within the adopted highway fronting the property will need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Interference with the highway without such permission is an offence which could lead to prosecution.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location Plan	CL01	A	8th July 2021
Existing Site Plan	CL02	A	8th July 2021
Proposed Site Plan	CL03	C	25th October 2021
Proposed Dwelling Plans	CL04	C	25th October 2021
Proposed Dwelling Elevations	CL04	C	26th October 2021
Street Views of New Dwelling Proposal	CL06	C	25th October 2021
Heritage Impact Assessment – Supporting Information (based on original plans)	-	-	8th July 2021
Design Statement – Supporting Information (based on original plans)	-	-	8th July 2021

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 preapplication 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 in respect to the proposed decking area to the rear, officers requested the stairs be moved from the north eastern boundary to the south west to allow for a 1.8m obscure glazed privacy screen to be erected along the north eastern boundary of the decking area, in the interests of residential amenity. It was also discussed that a 2m separation distance be provided to both the north and south of the proposed dwelling however, it was considered that sufficient justification could be provided to not require this specific amount of separation.

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 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.

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.**

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 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:
 - i) 28 days of the date of service of the enforcement notice, or
 - ii) within the specified period, starting on 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-Nov-2021

Signed:



**David Shepherd
Strategic Director Growth and Regeneration**

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 2021/62/92692/W .

If a paper copy of the decision notice or decided plans are required please email dc.admin@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: dc.admin@kirklees.gov.uk

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