Planning Application Decision Notice

To: Michael Chow,
Jade3 Architecture
Studio 12
Silver Street
Wakefield
WF1 1UY

For: R Randhawa

Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2022/62/91729/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 SUN ROOM AND ERECTION OF TWO STOREY REAR EXTENSION, WITH FORMATION OF EXTENDED BASEMENT WITH LIGHTWELL TO FRONT ELEVATION

At: 130, LUCK LANE, PADDOCK, HUDDERSFIELD, HD1 4RA

In accordance with the plan(s), documents and application submitted to the Council on 30-May-2022, 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 to accord with Policies LP1, LP2, LP21, LP22, LP24, LP28, LP 30, LP 33, LP 35, LP 51, and LP53 of the Kirklees Local Plan, Principles 1-17 of the Council's House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 4, 9, 12, 14, 15 and 16 of the National Planning Policy Framework

3. The external walls and roofing materials of the rear extension hereby approved shall in all respects match those used in the construction of the existing building.
Reason: In the interests of visual amenity, to preserve the significance of the nearby Grade II listed building and to accord with Policies LP24 and LP35 of the Kirklees Local Plan, Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and policies within Chapters 12 and 16 of the National Planning Policy Framework.

4. The family room/snug window in the northeast elevation at ground floor, shall be obscurely glazed (minimum grade 5), before the extension is first 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 Act or Order with or without modification) this window shall thereafter be so retained obscure glazed.
Reason: So as not to detract from the amenities of the adjoining property by reason of loss of privacy and to accord with Policies LP1, LP2 and LP24 of the Kirklees Local Plan, the requirements of the House Extensions and Alterations SPD and Chapter 12 of the National Planning Policy Framework.

5. Prior to any re-surfacing of the two existing off street parking spaces for the hereby approved extension being first brought into use, two parking spaces measuring a minimum of 2.4 metres wide by 4.8 metres long shall be provided within the site outlined in red on the hereby approved 'Proposed Site Plan with landscaping and Parking layout. Title: Proposed location plan. Project no. 2022. Enquiry 23. Revision: A.' The spaces shall be laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. 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) these areas shall be so retained, free of obstructions and available for the parking of vehicles.
Reason: To ensure that if the existing parking is to be resurfaced, sufficient drainage and parking is provided for the site and to accord with Policies LP21, LP22 and LP27 of the Kirklees Local Plan and to accord with Principle 14 of the adopted 'House Extension and Alterations SPD'.

FOOTNOTE: Whilst the grant of planning permission is given, the applicant should be aware that Planning Permission does not override legal covenants on properties as these private matters fall outside the remit of the Local Planning Authority. Applicants are reminded that they ensure that the relevant land ownership should be respected and that that the works carried out is lawful.

FOOTNOTE: In order to prevent undue leaf fall in guttering damaging the property or giving rise to demand to prune the mature tree adjacent, the applicant could install leaf guards to guttering to prevent this.

FOOTNOTE: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

FOOTNOTE: The site is located within the Kirklees Bat Alert Layer and there is an increased potential for roosting bats. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2017 (as amended) and Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). 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. If bats are discovered on site, development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing Location Plan.	100	-	18/05/2022
Existing Front and Side Elevation Plan.	108	-	18/05/2022
Existing Rear and Side Elevation Plan.	119	-	18/05/2022
Existing Basement Plan.	102	-	18/05/2022
Existing Ground Floor Plan.	103	-	18/05/2022
Existing First Floor Plan.	104	-	18/05/2022
Existing Roof Plan.	115	-	18/05/2022
3D Existing Front and Side Elevation Plan (Luck Lane View 1)	112	-	18/05/2022
3D Existing Rear and Side Elevation Plan (Rear View 3)	114	-	18/05/2022
3D Existing Rear Elevation Plan (Rear View 2).	113	-	18/05/2022
Proposed Front and Side Elevation Plan.	115	A	06/10/2022
Proposed Rear and Side Elevation Plan.	117	A	06/10/2022
Proposed Basement Floor Plan.	105	C	06/10/2022
Proposed location plan	101	B	06/10/2022

Plan Type	Reference	Version	Date Received
Proposed Ground Floor Plan.	105	C	10/10/2022
Proposed First Floor Plan.	107	B	06/10/2022
Proposed Roof Plan.	111	B	06/10/2022
3D Proposed Front and Side Elevation Plan (Luck Lane View 1)	108	B	06/10/2022
3D Proposed Rear Elevation View 1	109	B	06/10/2022
3D Proposed Rear Elevation View 2.	110	B	06/10/2022
Heritage Statement by Jade 3 Architecture Ltd dated 30/5/2022	2022 enquiry 23	-	31/05/2022
Design and Access Statement by Jade3 Architecture Ltd dated 16/05/2022.	2022 enquiry 23	-	24/05/2022
Email rec'd from agent	Email received from agent on additional information	-	13/10/2022
Email rec'd from agent	Email from agent regarding lightwell	-	14/10/2022

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 case officer undertook negotiations with the applicant to secure amended plans to ensure the scheme minimised the impact on visual amenity and the significance of the nearby Grade II Listed Building.

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.

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/appeal-householder-planning-decision** . 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: 21-Oct-2022

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 2022/62/91729/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: Kirklees Council
Planning and Development Service
PO Box 1720
Huddersfield
HD1 9EL
