

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended)

**DELEGATED DECISION TO DETERMINE APPLICATIONS FOR
CONSENT, AGREEMENT OR APPROVAL REQUIRED BY CONDITION**

Reference No:	2023/44/90729/W
Site Address:	5, Southway, Lindley, Huddersfield, HD3 3LN
Description:	Discharge conditions 3 (materials), 4 (obscure window) on previous permission 2022/91226 (APP/Z4718/D/22/3307226) for erection of dormer window
Recommending Officer:	Laura Yeadon

DECISION – DISCHARGE OF CONDITIONS APPROVED

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

John Holmes

AUTHORISED OFFICER

Date: 07-Jul-2023

2023/90729 – Officer Report

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023%2f90729>

This application relates to previous permission 2022/91226 for the erection of a dormer window at 5 Southway, Lindley. The application was refused by Officers however was granted permission by the Planning Inspectorate under appeal reference APP/Z4718/D/22/3307226.

The Inspector cites within paragraph 3 of the decision letter that:

On my site visit I observed that a dormer has already been erected. However, it is clear from the evidence before me that the proposed scheme is different to that built. Therefore, for the avoidance of doubt, I have assessed the appeal proposal and based my decision on the plans before me, and this is reflected in the tense used in my decision.

Under paragraph 27 the letter states that:

Although a dormer has already been erected, the proposed scheme is different to that built. Therefore, the wording of the conditions reflects this in that the development hereby permitted has not been built.

It is noted that an application has been submitted which runs concurrently with this application to vary the plans on the previous application 2021/92354 to address the issues relating to works which have not been constructed in accordance with the approved plans.

This application has been submitted to provide details in relation to condition 3 (materials) and 4 (obscure glazing).

Condition 3 – materials

3. Prior to the first use of external surfaces of the development hereby permitted, details/ samples of the materials to be used in the construction of the external surfaces of the dormer window hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details/ samples.

Assessment of Condition 3

The application form under application 2022/91226 stated that the proposed materials would be anthracite cladding panels to match the colour of the existing roof tiles for the dormer walls with a GRP flat roof and grey PVC window opening.

The submitted details to discharge this condition state the following:

- Wall cladding – anthracite grey textured wood composite horizontal panels – colour to be similar to that of the roofing tiles
- Roof finish – dark grey rubber roof by Firestone with dark grey trim
- Windows – timber, painted white, to match the existing doors and windows
- Fascia's soffits, gutters and downpipes – white uPVC

Images of the materials in situ on the property have also been submitted within the supporting information.

The proposed materials are considered to be acceptable for the purpose of Condition 3 provided that the works are carried out in accordance with the approved details.

Condition 4 – obscure glazing

4. The development hereby permitted shall not be occupied until the dormer window shown on proposed north elevation (side) has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.

Assessment of Condition 4

The Inspector cites within paragraph 21 of the letter that the drawing shown that the window facing towards the properties to the north would serve as an en-suite and that a planning condition could ensure that the opening of the window is restricted and that the window is obscurely glazed to prevent undue overlooking.

As part of the submission to discharge Condition 4, the information states that the proposed obscure window will have a top opener and the lower part of the top opener will be no lower than 1.7 metres above the finished floor level. In addition, the glazing will be sandblasted with a privacy level 4 or 5 ensuring maximum privacy for the occupants and neighbour alike.

The proposed details are considered acceptable for the purposes of Condition 4 providing that the works are completed with the submitted materials and retained thereafter.

Decision text

For the purposes of discharging Conditions 3 and 4 you have submitted the following:

- Application form

- Supporting information including photographs of the existing build which confirms the following:

Condition 3 details:

- Wall cladding – anthracite grey textured wood composite horizontal panels – colour to be similar to that of the roofing tiles
- Roof finish – dark grey rubber roof by Firestone with dark grey trim
- Windows – timber, painted white, to match the existing doors and windows
- Fascia's soffits, gutters and downpipes – white uPVC

Condition 4 details:

- obscure window will have a top opener and the lower part of the top opener will be no lower than 1.7 metres above the finished floor level. In addition, the glazing will be sandblasted with a privacy level 4 or 5

The proposed materials are considered to be acceptable for the purpose of Condition 3 provided that the works are carried out in accordance with the submitted details.

The details regarding the proposed window are considered to be acceptable for the purposes of satisfying Condition 4. Please note that Condition 4 has an ongoing requirement that the details hereby approved is retained thereafter.

Dated: 5th July 2023