



Planning Application Decision Notice

To: Richard Lowe
Candid Architecture Ltd
93, Parsonage Road
Heaton Moor
Stockport
SK4 4JL

For: Gilkar

Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2023/62/91002/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:-

ERECTION OF TWO STOREY REAR EXTENSION INCORPORATING A ROOF TERRACE, SINGLE STOREY SIDE AND REAR EXTENSIONS INCORPORATING A ROOF TERRACE, TWO STOREY FEATURE ENTRANCE, GARAGE/HOME OFFICE OUTBUILDING AND LANDSCAPING WORKS INCLUDING THE FORMATION OF A TENNIS COURT WITH ASSOCIATED FENCING AND THE CREATION OF PEDESTRIAN ACCESS AND ALTERATIONS

At: CORBY, BIRKBY ROAD, BIRKBY, HUDDERSFIELD, HD2 2DR

In accordance with the plan(s), documents and application submitted to the Council on 06-Apr-2023, 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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP21, LP22, LP24, LP27, LP33, LP35 and LP52 and of the Kirklees Local Plan and Key Design Principles 1-6 and 13 of the House Extensions and Alterations Supplementary Planning Document (SPD) as well as the aims of the National Planning Policy Framework.

3. The external walls of the extensions hereby approved, and the roofing materials used on any new pitched roof, shall in all respects match those used in the construction of the existing building.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles 1 & 2 of the House Extensions and Alterations SPD as well as chapter 12 of the National Planning Policy Framework.

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) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification), the tennis court hereby approved shall not be artificially lit at any time.

Reason: So as to retain adequate planning control over the site in the interests of ensuring that inappropriate outdoor lighting does not give rise to loss of amenity to neighbouring properties or harm to environmental quality arising from light spill, light trespass or glare, and to accord with the aims of Policies LP24(b) and LP52 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

5. Any works with the canopies of protected trees shall be undertaken in full accordance with the approved Arboricultural Method Statement.

Reason: To ensure that protected trees are not harmed during construction, in accordance with the aims of Policy LP33 of the Kirklees Local Plan and Key Design Principle 13 of the House Extensions and Alterations.

6. Before the development is first brought into use, a single artificial bat roosting feature, made of a durable weatherproof material, shall be installed on the eastern elevation of the dwelling, not directly above a door, window or roof terrace and a minimum of 4m above ground level, or on a mature tree within the site a minimum of 4m above ground level, and this shall thereafter be retained.

Reason: To ensure that the development contributes to the ecological enhancement of the site and the area, in accordance with the aims of Policy LP30 of the Kirklees Local Plan, Key Design Principle 12 of the House Extensions and Alterations and Chapter 15 of the National Planning Policy Framework.

7. Before the development is first brought into use, the existing solar panels shall be re-sited as shown on plan RG324 / PL06 and made operational, and thereafter retained as such.

Reason: To ensure that the development continues to make a contribution to reducing carbon emissions, in accordance with the aims of Policy LP24(d) of the Kirklees Local Plan, Key Design Principle 10 of the House Extensions and Alterations and Chapter 14 of the National Planning Policy Framework.

8. The measures to repair the culvert and facilitate its future maintenance as shown on plan RG 304 / BR01 shall be implemented before the works to form the tennis court are substantially complete and shall thereafter be retained as such.

Reason: To ensure that the development does not contribute to flood risk and to accord with the aims of Policy LP27 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

9. Any new slopes formed as part of the works to form the tennis court shall be seeded with grass in the first sowing season following the substantial completion of the works.

Reason: In the interests of visual amenity and to accord with the aims of Policy LP24(a) of the Kirklees Local Plan.

NOTE: Bats - There is the potential for a bat roost to be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. 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.

NOTE: Tree Preservation Order - A Tree Preservation Order is an order made by a local planning authority in England to protect specific trees, groups of trees or woodlands in the interests of amenity. An Order prohibits the:

- cutting down
- topping
- lopping
- uprooting
- wilful damage
- wilful destruction

of trees without the local planning authority's written consent. If consent is given, it can be subject to conditions which have to be followed. In the Secretary of State's view, cutting roots is also a prohibited activity and requires the local planning authority's consent. In this case, the resurfacing of the driveway could impact on roots of the protected trees and therefore may require TPO tree works consent from the council prior to being carried out, notwithstanding the granting of planning permission.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			
Location plan	RG324 / LP01		03-Apr-2023
Existing site plan	RG324 / EX05		06-Apr-2023
Existing elevations	RG324 / EX03		03-Apr-2023
Existing elevations	RG324 / EX04		03-Apr-2023
Existing ground floor plan	RG324 / EX01		03-Apr-2023
Existing first and second floor plan	RG324 / EX02		03-Apr-2023
Proposed ground floor plan	RG324 / PL02	D	03-Apr-2023
Proposed first floor plan	RG324 / PL03	F	14-Sep-2023
Proposed second floor plan	RG324 / PL04	C	03-Apr-2023
Proposed south and east elevations	RG324 / PL06	D	14-Sep-2023
Existing and proposed site plans with tennis court sections and culvert information	RG324 / BR01	B	28-Nov-2023
Site plan, outbuilding elevations and levels	RG324 / PL07	C	15-Dec-2023
Arboricultural report and method statement	Ross Cannon		06-Jul-2023
Culvert investigation report	COM-CCTV26037		06-Jul-2023
Further tree information			15-Dec-2023

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 Planning 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 requested amended plans in order to address concerns about the design of the extension, drainage issues and potential impacts on trees.

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/psc 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.

Development within a Coal Mining Area

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

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: 06-Feb-2024

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 2023/62/91002/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
