



## Planning Application Decision Notice

**To:** Jason Allatt,  
Belmont Design Services Ltd  
231, High Street  
Wibsey  
Bradford  
BD6 1QR

**For:** J Bowman

### Town and Country Planning Act 1990

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

### PLANNING PERMISSION FOR DEVELOPMENT

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Application Number: 2023/62/91320/W

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**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 EXISTING SIDE EXTENSION AND ERECTION OF REPLACEMENT SINGLE STOREY SIDE AND REAR EXTENSIONS WITH ASSOCIATED ALTERATIONS OF GRADE II LISTED BUILDING (WITHIN A CONSERVATION AREA)

**At:** 75, BIRKBY LODGE ROAD, BIRKBY, HUDDERSFIELD, HD2 2BL

**In accordance with the plan(s), documents and application submitted to the Council on 18-May-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 to accord with Policies LP01, LP02, LP21, LP22, LP24, LP30, and LP35 of the Kirklees Local Plan, Key Design Principles 1-17 of the Council's House Extensions & Alterations Supplementary

Planning Document, and Policies within Chapters 2, 4, 12, 14, 15 and 16 of the National Planning Policy Framework

3. The external walls of the extension hereby approved 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 and LP35 of the Kirklees Local Plan, Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

4. The external roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing extension to the front.

**Reason:** In the interests of visual amenity and to accord with Policy LP24 and LP35 of the Kirklees Local Plan, Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

5. The rooflights hereby approved shall be in Roof Maker Conservation Luxlite style or similar and fitted flush to the roof plane. Glazing shall have a thickness of no more than 16mm at 4:8:4 ratio. Frames shall have black warm spacers. They shall not have trickle vents or make use of friction or egress hinges. The paint finish submitted shall be matt finish in white and/or off white, not gloss. Thereafter the rooflights shall be installed in accordance with the approved details and retained as such.

**Reason:** In the interests of visual amenity and to accord with Policy LP24 and LP35 of the Kirklees Local Plan, Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

6. The glazing to the windows identified on plans 'Dwg No. - 9807/02B' and to be replaced by the joinery design within 'Dwg No. - 9807/03B' hereby approved shall be installed to match the details of the existing windows with frames to be retained and painted. The paint finish submitted shall be matt finish in white and/or off white, not gloss. Thereafter the glazing and frames shall be finished in accordance with the approved details and retained as such.

**Reason:** In the interests of visual amenity and to accord with Policy LP24 and LP35 of the Kirklees Local Plan, Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

7. The development hereby approved shall be implemented in accordance with the mitigation measures detailed within paragraph 6.2 of the submitted 'Initial Bat Scoping Report by Oatlands Ecology. Dated: April 2023' have been implemented and completed. The mitigation measures shall be thereafter retained and maintained for the entirety of the construction phase where applicable and the lifetime of the development in any other case.

**Reason:** To enhance the biodiversity of the site in accordance with Policy LP30 of the Kirklees Local Plan, Key Design Principle 12 of the Kirklees House Extensions and Alterations Supplementary Planning Document and Chapter 15 of the National Planning Policy Framework.

**FOOTNOTE:** Whilst the grant of planning permission is given, the applicant should be aware that Planning Permission does not override legal covenants on properties or Private Rights of Way 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:** The site is located within the Kirklees Bat Alert Layer and there is an increased potential for roosting bats. 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
Location Plan. Planning Portal	Reference: PP-12133876v1	Unamended	04/05/2023
Existing Floor and Elevation Plans	Drawing No. 9807/01.	Unamended	04/05/2023
Existing and Proposed Site Plans and Location Plan	Drawing No. 9807/04.	Unamended	04/05/2023
Proposed Elevation and Floor Plans	Drawing no. 9807/02B	Unamended	09/08/2023
Proposed Window Sections	Drawing no. 9807/03B.	Unamended	09/08/2023
Initial Bat Scoping Report	Initial Bat Scoping Report by Oatlands Ecology. Dated: April 2023	-	04/05/2023
Climate Change Statement	-	-	15/05/2023

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 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. An inadequate Heritage Statement was submitted which did not set out the impacts of the development on heritage amenity in accordance with paragraph 200 of the NPPF. On later review of the scheme without any updates from the agent, the Officer considered that the lack of an adequate Heritage Statement justifying the impact of the proposed extension protruding past the host's rear by the agent, in this very isolated instance, could be potentially overcome by the benefits to the Listed Building and proceeded to determination. Conditions were reviewed by the applicant and agreed.

### **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](mailto:building.control@kirklees.gov.uk), alternatively visit [www.kirklees.gov.uk/psc](http://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](http://www.planningportal.gov.uk). Alternatively the forms and supporting guidance for submitting an application can be found online at [www.kirklees.gov.uk/planning](http://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](http://www.planningportal.gov.uk), alternatively the forms can also be found at [www.kirklees.gov.uk/planning](http://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](http://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](mailto:dc.admin@kirklees.gov.uk) so that we can work on continually improving our customer service. Thank you.

**Dated:** 10-Jul-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](http://www.kirklees.gov.uk/planning), and by clicking on the 'search planning applications and decisions' and by searching for application number 2023/62/91320/W.

If a paper copy of the decision notice or decided plans are required please email [dc.admin@kirklees.gov.uk](mailto:dc.admin@kirklees.gov.uk) or telephone 01484 414746 with the application number. There may be a charge for this service.

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All communications should be sent to one of the following address:

E-mail: [dc.admin@kirklees.gov.uk](mailto:dc.admin@kirklees.gov.uk)

Write to: Kirklees Council  
Planning and Development Service  
PO Box 1720  
Huddersfield  
HD1 9EL

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