

This new retrospective planning application seeks to have a number of conditions changed or removed.

Having read it, I'm concerned by some of what is being requested. Those concerns are voiced below.

"The application seeks to vary the following conditions."

Condition 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 Policies LP21, LP22, LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and the Council's adopted SPD 'house extensions and alterations'.

This retrospective planning application includes the following, "Condition 2 states that 'the development shall be carried out in complete accordance with the plans and specifications.....' It was proposed to remove and relocate the retaining wall to the south western boundary but this is now going to remain in its current location so the drawing has been updated to reflect this.

Parking for 3 No cars is still achievable. The drawing has also been updated to reflect the proposed finish to the steel frame, as mentioned above."

I am pleased the retaining wall is no longer planned to be moved.

---oOo---

Condition 4

The steel structure of the raised terraced area hereby approved shall be finished in the colour Anthracite Grey (RAL 7016) before the terrace is first brought into use and shall be retained as such thereafter.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

This retrospective planning application includes the following, "Condition 4 relates to the finish of the steel frame and we anticipate that this will either be reworded or removed."

The rationale for previously accepting the colour Anthracite Grey was that it would match the colour of the UPVC windows and quad-fold doors. Removing this colour specification would cause me concern because the end result could be determined on a whim.

With regards to rewording, none is proposed. Surely, a retrospective application is intended to consider what has been done. Not give free-range to decide after the application what is to be done.

LP24 refers to decisions being made at the outset. A retrospective application suggests that did not happen. Trying to make the decision after the retrospective makes no sense, from a planning perspective.

---oOo---

Condition 7

The external face of the modified retaining wall to the south west of the drive, as indicated on the approved layout plan, shall be completed in materials which harmonise with the existing 'random stone' finish found within the host dwelling, the existing materials shall be re-used where possible.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

This retrospective planning application includes the following, "Condition 7 relates to materials of the modified retaining wall to the south west but as this is no longer being modified we anticipate that the condition will be removed.

We hope the aforementioned is explained adequately and look forward to any future correspondence."

This is agreeable.

In addition

What the application fails to incorporate are the retrospective changes that have been/are being incorporated, some of which was identified as being "NA" (not applicable). I am referring to Lighting. Lighting is being incorporated as part of cladding, on the underside of the raised terrace. Yet, this application makes no mention of it, when I believe it should. Without it being covered by a retrospective application, I believe lighting does not having planning permission, and should be removed. When the application's lighting section is stated to be not applicable, at the same time it is being added, it concerns me that the planning process is being treated with contempt.

In addition, the cladding seen beneath the raised terrace, where lighting has been added, does not have planning permission either, and it too is not included within this retrospective application. For the same reason, I believe the cladding too should be removed.

It concerns me that there are still no known plans for drainage. Especially when lighting is being added underneath the raised terrace. The terrace, as it stands, holds water after every rain shower. Without a proper drainage plan, the potential for water and electrics to mix seems a needless risk.

I would also like to bring attention to the steps built at the end of the fire escape leg. From looking at them, it is not obvious they provide adequate (if indeed any) damp-proofing, as they appear to have been built directly against the original external wall, way above the existing damp-proof course. Water gathering on the steps could, one would assume, result in water ingress, and resulting damp issues.

Within the section *Description Of Your Proposal*, the application form states it relates to "internal and external alterations". However, the conditions (then referred to) fail to mention any internal alterations. I am concerned that acceptance of this planning application could be seen as giving free reign to make unspecified internal and external changes, in the future. I suggest either the application sees the internal reference removed, or it otherwise be made clear that no internal alterations are included as part of this application. This is because previous internal changes, affecting party walls, which could have impacted my foundations and still could, took place without my knowledge; despite the statutory duty for me to be informed (*party wall act*). As for the external alterations, I suggest it be changed, such that it limits those external changes to those specifically mentioned in this application.

The width of the fire escape route is still grossly inflated, on the plans. The width fails to exceed 60cm, but is shown as 142cm. As it stands, the fire escape leg leads to a fire escape route that fails to provide a route to safety. With a locked gate to contend with, as part of that route, I do not understand how this can be considered acceptable. The fire escape leg may tick a box, but if the route it leads to is not fit for purpose, it is useless. The raised terrace should lead on to the drive, to truly satisfy safety requirements.

I do not believe this retrospective planning application should be considered. Instead, for the reasons mentioned above, I believe it must be appropriately amended and then resubmitted.