



**Town and Country Planning Act 1990**

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

**PLANNING PERMISSION FOR DEVELOPMENT**

---

**Application Number: 2023/62/93799/W**

---

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

**For:** M MOHEB

**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:-**

**ALTERATIONS TO EXISTING DWELLING TO CREATE TWO STOREY DWELLING WITH ROOMS IN THE ROOF SPACE INCLUDING REMOVAL OF ROOF AND ERECTION OF FIRST FLOOR WITH ROOMS IN THE ROOF SPACE, ERECTION OF TWO STOREY EXTENSION TO FRONT AND PART TWO STOREY PART SINGLE STOREY EXTENSIONS TO SIDE INCORPORATING INTEGRAL GARAGE AND SINGLE STOREY EXTENSIONS TO REAR INCORPORATING BALCONY AND ASSOCIATED WORKS**

**At:** 7, INGLEWOOD AVENUE, BIRKBY, HUDDERSFIELD, HD2 2DS

---

**In accordance with the plan(s) and applications submitted to the Council on 09-Jan-2024, 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 Policies LP1, LP2, LP21, LP22, LP24, LP30, LP35 and LP51 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 5, 6, 7, 8 & 15 of the Council's adopted House Extensions and Alterations SPD and policies within Chapters 2, 4, 12, 14, 15 & 16 of the National Planning Policy Framework.

3. All extensions to the host dwelling hereby approved, including works to increase the roof height, shall be carried out in materials to match the host dwelling, including stone to all exterior walls and slate roof tiles. These materials shall thereafter be retained.

**Reason:** In the interests of visual amenity, to preserve the significance of the Edgerton Conservation Area and its setting and to accord with Policies LP24 and LP35 of the Kirklees Local Plan, Key Design Principles 1 and 2 of the House Extensions and Alterations SPD and Chapters 12 and 16 of the National Planning Policy Framework.

4. The external walls of the dormers hereby approved shall be faced in materials, and be of a colour finish, to match the appearance of the roof tiles within the gable roofs upon which the dormers will be erected. The flat roofs shall be of a colour finish to match the roof tiles within the gable roofs. The matching materials and matching colour finish of the dormers shall thereafter be retained.

**Reason:** In the interests of visual amenity, to preserve the significance of the Edgerton Conservation Area and its setting and to accord with Policies LP24 and LP35 of the Kirklees Local Plan, Key Design Principles 1 and 2 of the House Extensions and Alterations SPD and Chapters 12 and 16 of the National Planning Policy Framework.

5. Prior to the rear balcony being brought into use, the stone wall to the eastern side elevation, as shown on the 'proposed front and rear elevations' drawing (Dwg No. 106) shall be built up to 1.8 metres in height, from the ground level of the balcony.

**Reason:** In the interests of residential amenity and to accord with Policy LP24b of the Kirklees Local Plan, Key Design Principle 3 of the House Extensions and Alterations Supplementary Planning Document and Chapter 12 of the National Planning Policy Framework.

6. The development shall not be occupied until the windows within the eastern facing dormer hereby approved have been obscure glazed. The windows within this dormer shall thereafter remain as obscure glazed.

**Reason:** In the interests of residential amenity and to accord with Policy LP24b of the Kirklees Local Plan, Key Design Principle 3 of the House Extensions and Alterations Supplementary Planning Document and Chapter 12 of the National Planning Policy Framework.

7. The development shall not be occupied until the glazing within the front extension, facing west towards No. 9 Inglewood Avenue, has been obscure glazed. The glazing within this side of the front extension shall thereafter remain as obscure glazed.

**Reason:** In the interests of residential amenity and to accord with Policy LP24b of the Kirklees Local Plan, Key Design Principle 3 of the House Extensions and Alterations Supplementary Planning Document and Chapter 12 of the National Planning Policy Framework.

8. The development shall not be occupied until the velux windows in the western side extension, facing towards No. 9 Inglewood Avenue, have been obscurely glazed. The velux windows within the roof slope of the western side extension, adjacent to No. 9 Inglewood Avenue, shall thereafter remain as obscure glazed.

**Reason:** In the interests of residential amenity and to accord with Policy LP24b of the Kirklees Local Plan, Key Design Principle 3 of the House Extensions and Alterations Supplementary Planning Document and Chapter 12 of the National Planning Policy Framework.

9. The extensions hereby approved shall not be brought into use until any new areas of hard standing have been laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's '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) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) this shall be so retained, free of obstructions and available for parking.

**Reason:** In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and to ensure that the additional hardstanding area is appropriately drained to mitigate flood risk in accordance with Policies LP21, LP22, LP28 and LP34 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

10. One bat box, in the form of a Schwegler type 1FR woodcrete bat box or similar, shall be installed on the exterior of the dwelling. The box shall be installed at least 4 metres above the ground and not located above windows or doors. The box shall thereafter be retained.

**Reason:** In the interests of enhancing the biodiversity value of the site, in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

**NOTE:** If any changes are required to the access within the adopted highway fronting the property, to amend the dropped kerb, this will need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges).

You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Interference with the highway without such permission is an offence which could lead to prosecution.

**NOTE:** Due to its location, a bat roost may 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:** Paragraph 184 of the National Planning Policy Framework states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner

Plans and Specifications Schedule: -

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Existing Location Red Lines	100	-	02.01.24
Existing Roof Plan and Views	103	-	02.01.24
Existing Elevations	105	A	10.01.24
Proposed Location Red Lines	101	B	13.02.24
Proposed Front and Rear Elevations	106	G	12.07.24
Proposed Side and Side 1 Elevations	107	G	12.07.24
Proposed and Existing Massing Comparison and also Street Section	110	B	12.07.24
Existing and Proposed Floor Plans	102	EF	12.07.24
Proposed Ground with Dimensions	109	B	12.07.24
Proposed Ground with Dimensions	108	B	12.07.24
Proposed Aerial Views	104	F	12.07.24
Design and Access Report with Planning Statement by Jade Architecture	-	-	02.01.24
Flood Map for Planning	-	-	02.01.24
Climate Change Statement	-	-	10.01.24
Preliminary Roost Assessment by Gritstone Ecology	-	-	16.03.24
Bat Presence-Absence Survey by Gritstone Ecology	-	-	19.09.24

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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

Officers raised concerns with the overall scale and design of the development from a visual amenity perspective and with regard to impacts to residential amenity, specifically in relation to No. 9 Inglewood Avenue. As a result of officer negotiations, the planning agent / applicant submitted revised plans.

Furthermore, following formal consultation responses from KC Ecology, further ecological information and surveys were submitted.

#### **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)

**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. Contact Building Control on Tel No: (01484) 221550 for more information.**

**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.**

#### **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.

The application has been publicised by notice(s) in the vicinity of the site. It is respectfully requested that the notice(s) now be removed and responsibly disposed of to avoid harm to the appearance of the area

#### 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.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within:
  - i) 28 days of the date of service of the enforcement notice, or
  - ii) within the specified period, starting on the date of this notice,whichever period expires earlier.
- If you want to appeal against your Local Planning Authority's decision then you must do so within the specified period, starting on the date of this notice.

- The “specified period” is 12 weeks where the development relates to a “minor commercial application” as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.
- 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-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 he 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 his interest in the land in accordance with the provisions 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:** 11-Oct-2024

**Signed:**



**David Shepherd  
Executive Director for Place**

### **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 2023/62/93799/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.

---

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

---