

ORANGE DESIGN STUDIO.

THE RESIDENTIAL SPECIALISTS

CERTIFICATE OF LAWFUL DEVELOPMENT
SUPPORTING STATEMENT
BROADYARDS

WE DESIGN.

WE MANAGE.

WE BUILD.

ORANGE DESIGN STUDIO.

a taste of ORANGE.

Orange is a young, visionary and award winning architectural design studio. Which is based on the high street of Mirfield, in the heart of Yorkshire. The practice was formed in 2012.

Lead by designer, Jake Hinchliffe, The practice has built it's reputation on engaging with clients briefs and turning their thoughts into amazing, well crafted, homes and spaces.

They have built a commercial reputation amongst many professionals in the construction industry for delivering technically challenging projects, in some cases making the impossible, possible.

Orange have a real passion for working alongside likeminded clients on residential projects to create fantastic homes and spaces for people to reside and enjoy.

From their creative design studio, Orange has full capabilities for handling projects of different sizes, ranging from bespoke home extensions, bespoke residential commissions, and creative housing developments.

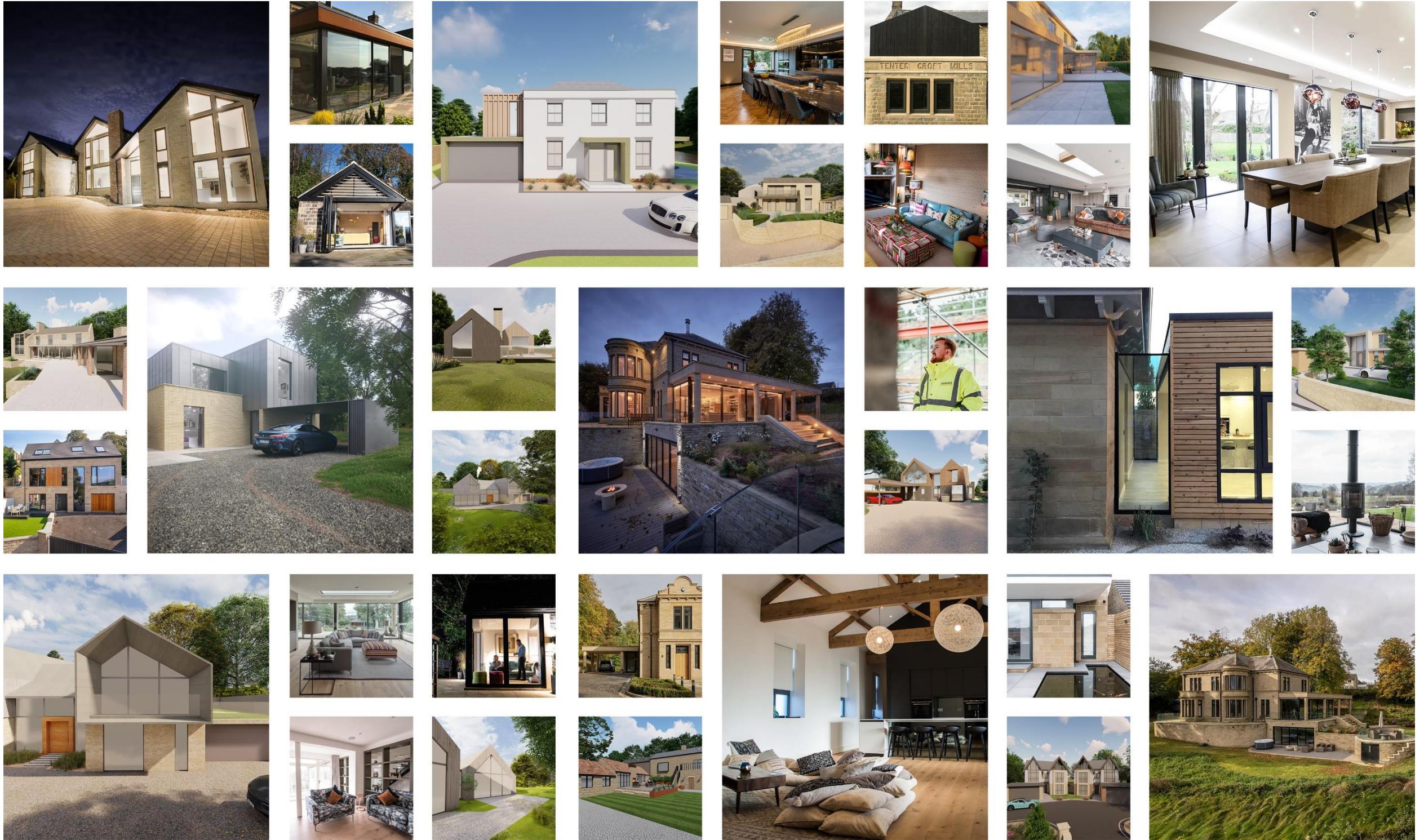
The studio environment has an open company culture with a focus on client service and teamwork.



ORANGE DESIGN STUDIO.

hello@orangedesignstudio.co.uk

01924 650930

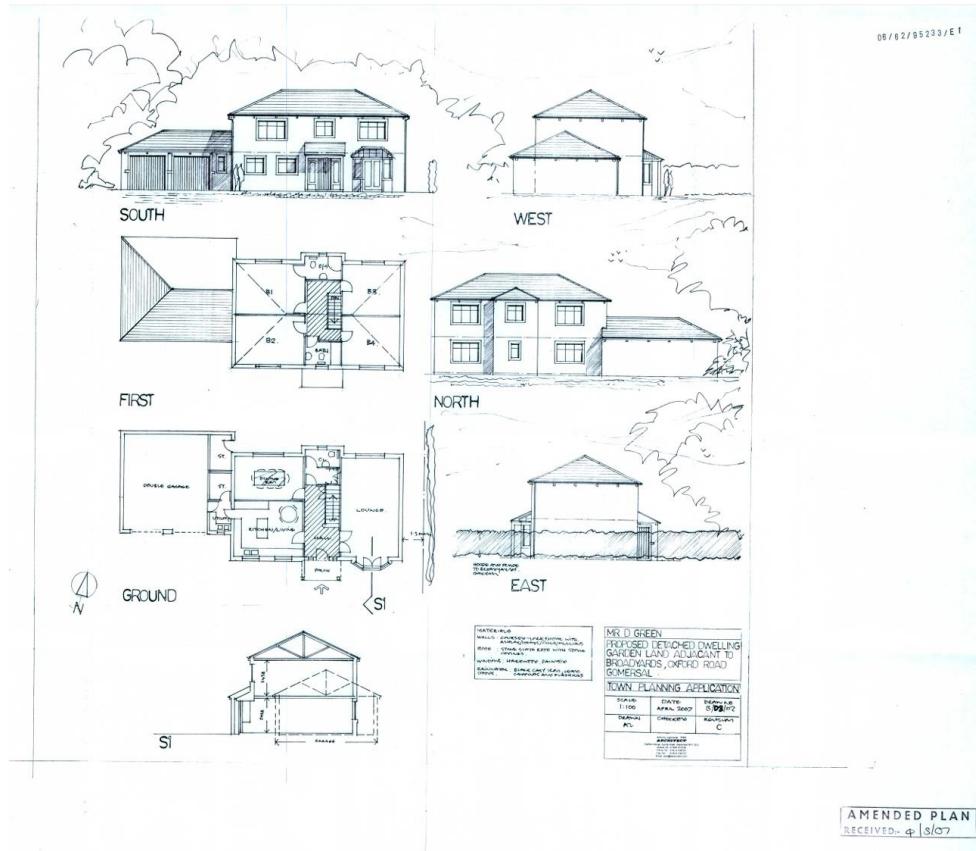


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INTRODUCTION.



Planning Application Ref: 2006/62/95233/E1 was approved on 29TH June 2007 for the 'ERECTOR OF DETACHED DWELLING WITH INTEGRAL GARAGE (WITHIN A CONSERVATION AREA).'

Foundations were excavated and inspected by Kirklees Building Control and the boundary wall adjacent to the proposed entrance has been lowered as part of the conditions set out in the approval decision notice.



JUSTIFICATION.

The planning decision notice was issued with 12 planning conditions with condition 1 stating *“The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.”* meaning that the works had to start by 28th June 2010.

A building control application was submitted with Ref: 2009/76/02039/E on the 7th Septmeber 2009 with a decision status of *“ACKNOWLEDGE RECEIPT WITH COMMENTS”* and Inspection Status as *“Commenced”* which can be seen below

Condition 8 states *“Prior to development commencing, the boundary walls to the property shall be reduced to a maximum of 900mm in height above the adjacent carriageway and realignment as shown on Drg No B/D2/01”* which can be seen in the images attached taken prior to the planning application and prior to the works on the erection of the new dwelling taking place

All other planning conditions are compliance conditions apart from Conditions 11 & 12:

11. Before development is first commenced full details of the proposed boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The agreed boundary treatment shall be completed in accordance with the approved details, before the dwelling is first brought into use and shall thereafter be retained, unless otherwise agreed in writing by the Local Planning Authority.

Whilst condition 11 is worded as a pre-commencement condition, it is clear that the condition is in the interests so as to protect the visual and neighbour amenity regarding this development. Whilst we agree that this condition was included for valid planning reasons we do not believe this information is required prior to the installation of boundary treatments or works below DPC. As the works carried out have no impact on this. We therefore don't believe that the failure to discharge condition 11 before commencement should invalidate this planning permission, and therefore there has been a lawful start of development and therefore this planning permission is live in perpetuity.

12. Before any materials are brought on site or development commences, the developer shall erect protective chestnut paling or similar fencing around all trees, shrubs or hedges to be retained, to the branch spread of individual trees or groups of trees/shrubs. The applicant shall obtain the Local Planning Authority's written confirmation that the fence is satisfactory and shall maintain such fencing unaltered until the development is completed. No work shall be carried out within the protected area except in accordance with the Local Planning Authority's Code of Practice Note 1.

Whilst condition 12 is worded as a pre-commencement condition, it is clear that the condition is in the interest of protecting adjacent trees on site. This protective fencing should be installed during the duration of any construction works to protect this habitat. Protective fencing at matting were installed temporarily when works were carried out at Broadyards and were then later removed given the pause in development. Protective measures shall be reinstated before works commence above DPC. We therefor don't believe that the failure to discharge condition 12 before commencement should invalidate this planning permission, and therefore has been a lawful start of development and there for this planning permission is live in perpetuity.

With the Planning conditions stated in the decision notice and the aforementioned actions of a building control application being submitted, acknowledged and inspection commenced along with the lowering of the boundary wall as per the planning approval, we believe that there has been a lawful start to the development and therefore this planning approval is live.

KIRKLEES BUILDING CONTROL.

ⓘ Disclaimer

This search should not be used for local land charges searches as it is not a definitive record of the Building Control information held by the authority.

[Search for local land charges](#) to find out if a property has had any building works done and if the work has been signed off; and about restrictions or preservation orders, planning applications and proposed new roads.

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Application details

- Application number - 2009/76/02039/E
- Location - 289 Oxford Road Gomersal Cleckheaton
- Development - 1 No Dwelling
- Application type - Building Notices
- Date received - 07/09/2009
- Decision date - 17/09/2009
- Decision status - ACKNOWLEDGE RECEIPT WITH COMMENTS Buildi
- Inspection status - Commenced

Plans and drawings

ⓘ Information

To measure distances in these measure-enabled PDF plans, please see the [measuring instructions](#).

To view the plans and documents you need [Adobe Reader](#) [↗](#) installed on your computer.

Documents

- close all

• Decision Notice (1)

- [Decision Notice \[id 364462\]](#) 17/09/2009 - SL011 -B.N Ackn Letter with observations

BUILDING CONTROL APPLICATION SHOWN ON KIRKLEES BUILDING CONTROL PORTAL

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BOUNDARY WALL.



LOWERED BOUNDARY WALL ADJACENT TO PROPOSED ACCESS FOR THE NEW DWELLING.
IMAGE TAKEN CIRCA AUGUST 2009

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ARCHITECTURAL PRACTICE

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