



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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2024/70/91619/W

To: Jake Hinchliffe,
Orange Design Studio
59A, Huddersfield Road
Mirfield
WF14 8AA

For: J Worsley

**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:-**

**VARIATION OF CONDITIONS 2. (PLANS) 3. (MATERIALS) 10. (INSULATION
SUSTAINABILITY) ON PREVIOUS PERMISSION 2023/92933 FOR
DEMOLITION OF EXISTING DWELLING AND ERECTION OF REPLACEMENT
DETACHED DWELLING WITH EXTERNAL ALTERATIONS**

At: 6, INGLEWOOD AVENUE, BIRKBY, HUDDERSFIELD, HD2 2DS

**In accordance with the plan(s) and applications submitted to the Council on 15-
Aug-2024 [together with those plans and application(s) submitted to the Council
on 09-Oct-2023 and incorporated into planning permission ref no.
2023/62/92933/W granted on 21-Feb-2024] and subject to the condition(s)
specified hereunder:-**

1. 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 Policies LP1, LP2, LP21, LP22, LP24 and LP30 of the Kirklees Local Plan and Principles 2, 5, 6, 8, 9, 12, 13, 14, 15, 17, 18, 19 of the Housebuilders' Design Guide Supplementary Planning Document as well as the aims of the National Planning Policy Framework.

2. The external walls of the dwelling hereby approved shall be faced in Webber Brilliant White render, Accoya light grey timber cladding and reclaimed tumbled and dyed stone. The roof shall be of a dark grey colour finish. These materials and colour finishes shall thereafter be retained.

Reason: In the interests of visual amenity and to accord with the aims of Policy LP24 of the Kirklees Local Plan, Principle 13 of the Housebuilders' Design Guide Supplementary Planning Document and chapter 12 of the National Planning Policy Framework.

3. Prior to the new dwelling being occupied, the areas shown to be used for the parking and turning of vehicles within the site, as shown on the submitted site plan, shall be surfaced and drained. All hardstanding shall be laid 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 superseded, unless arrangements have been made to discharge run-off water to a soakaway or sustainable drainage system within the site. These areas shall thereafter be retained and kept free of all obstructions to their use for the parking and turning of vehicles.

Reason: To achieve a satisfactory layout in the interests of highway safety, to minimise the contribution to flood risk arising from increased water run-off, and to accord with the aims of Policies LP21 and LP22 of the Kirklees Local Plan, Principle 12 of the Housebuilders' Design Guide Supplementary Planning Document and Chapter 14 of the National Planning Policy Framework.

4. The areas indicated to be used on the proposed site plan for the storage of wastes shall be laid out with a hard surface, and the wall to screen the area from the highway (indicated by a solid thick brown line) shall be erected, before the dwelling is first occupied, and shall thereafter be retained as such, free from obstructions to the storage of wastes.

Reason: To ensure that satisfactory facilities are provided and retained within the site for the separation, storage and disposal of wastes in a way that does not compromise highway safety or visual amenity, in accordance with the aims of Policies LP21 and LP24(d) of the Kirklees Local Plan and Principle 19 of the Housebuilders' Design Guide Supplementary Planning Document.

5. A minimum of one electric vehicle recharging point shall be installed within the dedicated parking area for the approved dwelling before it is first occupied. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicle charging points so installed shall thereafter be retained. **Reason:** In accordance with the aims of Policy LP24(d & v) of the Kirklees Local Plan, Principle 18 of the Kirklees Housebuilders Design Guide SPD, and Chapter 14 of the NPPF, to promote infrastructure which encourages modes of transport with low carbon emissions.

Before the new dwelling is first occupied, the boundary treatments indicated by dashed and solid lines on the site plan shall be implemented in accordance with the details specified on the plan, except that, notwithstanding the details on the approved plans, no new fence or wall shall be erected to a height of more than 900mm above the level of the adjacent carriageway at any point within 2.0m of the site boundary with the public footway). The boundary treatments thus erected shall be thereafter retained.

Reason: So as not to protect the privacy of future and neighbouring occupants and to accord with Policy LP24(b) of the Kirklees Local Plan and Principle 6 of the Kirklees Housebuilders Design Guide Supplementary Planning Document.

6. All windows in the eastern elevation of the proposed dwelling, and those in the western elevation at upper floor level, shall be non-opening or top-opening only and shall be fitted with obscure glazing to give a grade 5 degree of obscurity before the development is first brought into use. 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) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification), windows of this type shall be retained at all times.

Reason: So as not to detract from the amenities of adjoining properties or land by reason of loss of privacy and to accord with Policy LP24(b) of the Kirklees Local Plan and Principle 6 of the Kirklees Housebuilders Design Guide Supplementary Planning Document.

7. 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) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no windows other than those shown on the approved plans shall be formed in the eastern elevation at ground floor level.

Reason: So as not to detract from the amenities of adjoining properties or land by reason of loss of privacy and to accord with Policy LP24(b) of the Kirklees Local Plan and Principle 6 of the Kirklees Housebuilders Design Guide Supplementary Planning Document.

8. Super structure construction, sub structure thermal bridging and controlled ventilation shall be carried out as specified within the letter submitted by 'Orange' and solar panels shall be installed as specified within the letter by 'Orange' and as shown on the submitted 'Proposed Site Plan' (Dwg No. (20)005). These measures to reduce carbon emissions shall be incorporated into the development during construction and shall thereafter be retained.

Reason: To ensure that the proposed development contributes to the Council's target of achieving 'net zero' carbon emissions by 2038 and thereby reducing the causes of climate change, and to accord with the aims of Policy LP26 of the Kirklees Local Plan and Principle 18 of the Kirklees Housebuilders Design Guide Supplementary Planning Document.

9. Before the dwelling is first occupied, a single artificial bat roost feature shall be installed (which shall either be integral to the fabric of the building or made of a durable weatherproof material), a minimum of 4m from the ground on the northern or eastern elevation and not placed directly above a window or door. This shall be retained thereafter.

Reason: In the interests of enhancing the biodiversity of the site and to accord with the aims of Policy LP30(ii) of the Kirklees Local Plan, and Principle 9 of the Kirklees Housebuilders Design Guide SPD. and the National Planning Policy Framework – Conserving and enhancing the natural environment.

10. The finished floor levels and finished ground levels of the dwelling and site hereby approved shall be in accordance with those as annotated on drawing titled 'Proposed Site Plan', Drawing No. (20)005. The dwelling shall not be brought into use until the finished floor levels and finished ground levels approved by this condition have been completed. The approved finished floor levels and finished ground levels shall be so retained for the lifetime of the development.

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

11. The combined noise from any fixed mechanical services and external plant and equipment shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time. "Rating level" and "background sound level" are as defined in BS 4142:2014+A1:2019.

Reason: To ensure the installation of an air source heat pump does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

NOTE: Construction Site Working Times

It is recommended that noisy construction related activities should not take place outside the hours of:

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00hours Saturdays

With no noisy activities on Sundays or Public Holidays

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke, and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and Specifications Schedule: -

Plan Type	Reference	Version	Date Received
Letter by Orange	-	-	06.06.24
Proposed Site Plan	(20)005	-	14.08.24
Working Elevations	(30)001	-	14.08.24
First Floor – Setting Out	(20)004	-	14.08.24
Ground Floor – Setting Out	(20)003	-	14.08.24
Plans & Documents submitted for 2023/92933	Reference	Version	Date Received
Application Form			03.10.2023
Location Plan			03.10.2023
Existing site plan			03.10.2023
Design and Access Statement			03.10.2023
Climate Change Statement			03.10.2023

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.

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

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 Telephone: (01484) 221550 for more information.

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 refuse permission for the proposed development or 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 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:
 - i) 28 days from the date of this notice where the enforcement notice has been served,
 - ii) 28 days of the date of service of the enforcement notice or,
 - iii) the specified period starting from 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 so that we can work on continually improving our customer service. Thank you.

Dated: 09-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, and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2024/70/91619/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
