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Date: 09-Dec-2024
Our Ref: 2024/93373

Dear Sir/Madam

**Application for Approval of Details Reserved by Condition
Town and Country Planning Act 1990
Planning (Listed Buildings and Conservation Areas) Act 1990**

**Confirmation of compliance of conditions on previous permission 2020/92413 for variation conditions 2 (plans), 4 (site levels), 5 (boundary treatments) on previous permission 2012/90750 for erection of replacement detached dwelling and associated hardstanding
3, Pumphouse Lane, Mirfield, WF14 0AW
Application Number: 2024/93373**

I write with reference to your application to discharge the conditions for the above development as submitted on 28-Nov-2024.

This is an application for the confirmation of compliance of conditions on previous permission 2020/92413 for variation conditions 2 (plans), 4 (site levels), 5 (boundary treatments) on previous permission 2012/90750 for erection of replacement detached dwelling and associated hardstanding.

Details have been provided which demonstrate the current status of the development. It is considered that the applicant has not provided sufficient information to confirm the surfacing of the area to the front of the building either conforms with condition 1 or 6 of the application due to the of the surface not being compliant with details shown on plan drawing ref (20) 002 A or permeable in accordance with condition 6. In addition, a photograph provided at the time of construction indicates that an array of solar panels has been installed on the front roof slope which are not shown on the approved plans The front boundary wall is also not erected as shown on approved plan reference (20) 002 A contrary to condition 1 and 4.

It is therefore not possible to confirm compliance with condition 1 or condition 4 of application 2020/92413.

The applicant has provided sufficient information to show no additional openings have been created. The Local Planning Authority also have no reason to believe the site levels are not in accordance with condition 3. Condition 2 and 3 has been complied in so far as the development has initially been constructed although it is noted both conditions regulate future works and therefore it cannot be confirmed the conditions are discharged as they must be complied with in perpetuity unless otherwise agreed.

Whilst the Local Planning Authority has no evidence to believe conditions 5, 7 and 8 are not complied with at the time of this application, it cannot be confirmed the conditions are discharged as they regulate future works that may be undertaken and therefore must be complied in perpetuity unless otherwise agreed.

Condition 9 is complied with, and the approved details must be retained in perpetuity unless otherwise agreed.

Annex A

1. The development hereby permitted shall be carried out in complete accordance with the plans and specifications 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 ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24, LP51 and LP53 of the Kirklees Local Plan and Chapters 5,9,12,14 and 15 of the National Planning Policy Framework.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created on either side elevation of the dwelling hereby approved.

Reason: To not detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. The development shall be carried out only in accordance with the levels details so approved which shall be so retained (drawing ref (35) 001A). The dwelling shall not be occupied until the works relating to that property have been completed.

Reason: To protect visual and residential amenity of adjacent dwellings and the Surrounding area and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

4. The development shall be carried out in accordance with the submitted plans showing details of boundary treatment (drawing ref (20) 002 A). The development shall not be brought into use until the works comprising the approved scheme have been completed and the approved works shall be retained.

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

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A-E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority other than the works hereby approved or as required by condition.

Reason: To protect the visual and residential amenity of adjacent dwellings and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

6. The development shall not be brought into use until all areas indicated to be used for vehicle parking areas on the approved plans have been laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance; and such areas shall thereafter retained for the lifetime of the development.

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and in accordance with Local Plan Policies LP21 and LP22 of the Kirklees Local Plan and Chapters 9 and 14 of the National Planning Policy Framework.

7. Nothing shall be permitted to be planted or erected within a strip of land 2.0 metres deep measured from the carriageway edge of Pumphouse Lane along the full frontage of the site which exceeds 1.0 metre in height above the level of the adjoining highway.

Reason: To ensure adequate visibility in the interests of highway safety in accordance with Policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any order revoking and re-enacting that order) any gates or barriers for or over a vehicular access or egress shall be set back 4 metres from the back of the carriageway and shall be hung as to only open inwards. So long as such gates or barriers are in position they shall be retained to only open inwards.

Reason: In the interests of highway safety, to avoid the need for vehicles to wait in the highway and in accordance with Policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

9. Prior to occupation of the dwelling, an electric vehicle recharging point shall be installed. Cable and circuitry ratings shall be provided to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32 Amps. Thereafter the electric vehicle recharging points so provided shall be retained.

Yours faithfully

Mathias Franklin
Head of Planning and Development