

PLANNING PERMISSION

Applicant:

Mr R Waters
Ivy Dene
Victoria Road
Ledbury
Herefordshire
HR8 2DB

Agent:

Mr Paul Gibson
Gibson Associates
Bank House
Bank Crescent
Ledbury
Herefordshire
HR8 1AA

Date of Application: 14 January 2013

Application No: N130099/FH

Grid Ref: 370458:237381

Proposed development:

SITE: Ivy Dene, Victoria Road, Ledbury, Herefordshire, HR8 2DB
DESCRIPTION: Construction of two storey extension.

THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL hereby gives notice in pursuance of the provisions of the above Acts that PLANNING PERMISSION has been GRANTED for the development described above in accordance with the application and plans submitted to the authority subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

- 2 The development shall be carried out strictly in accordance with the approved plan drawing no.1221-02, except where otherwise stipulated by conditions attached to this permission.

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy DR1 of the Herefordshire Unitary Development Plan.

- 3 During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 7.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order, with or without modification), no windows shall at any time be placed in the south east side

elevation and no dormer windows/rooflights in the south-east facing roof slope of the extension hereby permitted.

Reason: In order to protect the residential amenity of adjacent properties and to comply with Policy H18 of the Herefordshire Unitary Development Plan.

Reason for Approval:

- 1 The proposed extension will look acceptable and be in keeping with the scale, character and appearance of the existing dwelling. The pitched roof will improve the appearance of the dwelling. The original dwellinghouse will remain the dominant feature of the resultant extended dwelling. The proposed external materials are also considered to be acceptable.

It is considered that the residential amenities of the occupants of the neighbouring dwellings will not be adversely affected by the proposed development and that the objections received are not sufficient to warrant refusal of planning permission in this instance.

The proposed development is therefore considered to be acceptable and in accordance with planning policies and guidance. In particular Policies S2, DR1 and H18 of the Herefordshire Unitary Development Plan and Government advice contained in the National Planning Policy Framework 2013.

Informatives:

- 1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations including the representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.
- 2 This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.
- 3 Your attention is drawn to the Party Wall Act 1996. The Act will apply where work is to be carried out on the following:

Work on an existing wall or structure shared with another property Building a free standing wall or a wall of a building up to or astride the boundary with a neighbouring property

Excavating near a neighbouring building

The legal requirements of this Act lies with the building/site owner, they must find out whether the works subject to this planning permission falls within the terms of the Party Wall Act. There are no requirements or duty on the part of the local authority in such matters. Further information can be obtained from the ODPM publication, The Party Wall Act 1996 - explanatory booklet. Copies are available from Hereford Customer Services, Franklin House, 4 Commercial Road, Hereford. HR1 2BB (tel:01432 261563).

- 4 The applicant should be aware that this planning permission does not over-ride any legal covenants or civil/legal rights enjoyed by adjacent property owners and that any

development which physically affects or encroaches onto any adjoining property may affect these rights. As such the applicant is advised to contact the owners of adjacent properties where these rights may be affected and seek legal advice on the matter prior to undertaking any building work.

Planning Services
PO Box 230,
Hereford,
HR1 2ZB



Date: 11 March 2013

DEVELOPMENT MANAGER

YOUR ATTENTION IS DRAWN TO THE NOTES BELOW

Notes

This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulation. In particular consent may be required under the Building Regulations.

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 you want to appeal, then you must do so within 6 months of the date of this notice, using a form which you can get from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.
- 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.

Right to Challenge the Decision of the High Court

Currently there are no third party rights of appeal through the planning system against a decision of a Local Planning Authority. Therefore, if you have concerns about a planning application and permission is granted, you cannot appeal that decision. Any challenge under current legislation would have to be made outside the planning system through a process called Judicial Review (JR).

The decision may be challenged by making an application for judicial review to the High Court. The time limits for bringing such challenges are very strict, and applications need to be made as soon as possible after the issue of the decision notice. So, if you think you may have grounds to challenge a decision by Judicial Review you are advised to seek professional advice as soon as possible

These notes are provided for guidance only and apply to challenges under the legislation specified. If you require further advice on making an application for Judicial review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000). For further information on judicial review please go to <http://www.justice.gov.uk>

The Council has taken into account environmental information when making this decision. The decision is final unless it is successfully challenged in the Courts. The Council cannot amend or interpret the decision. It may be redetermined by the Council only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

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 in whose area the land is situated. 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.