Planning Application Decision Notice

To: A Pitman
23, Woodedge Avenue
Dalton
Huddersfield
HD5 9UX

For: J BRENNAN

Town and Country Planning Act 1990

Town and Country Planning (Development Management Procedure) (England) Order 2010

REFUSAL OF PERMISSION FOR DEVELOPMENT

Application Number: 2013/62/91527/E

In pursuance of its powers under the above-mentioned Act and Order the KIRKLEES COUNCIL (hereinafter called "The Council") as Local Planning Authority hereby refuses to permit:-

ERECTION OF SINGLE STOREY REAR EXTENSION

At: 17, RILEY LANE, KIRKBURTON, HUDDERSFIELD, HD8 0RZ

In accordance with the plan(s) and applications submitted to the Council on 13-May-2013, except as amended or specified, details of which can be found in the table below. The reasons for the Council's decision to refuse permission for the development are:

The proposed extension by reason of its height, scale and projection would have a detrimental overshadowing and overbearing impact on the amenities of the adjacent property, 15 Riley Lane, contrary to policies D2 and BE14 of the Kirklees Unitary Development Plan.

This decision is based on the following plan(s):-

Plan Type	Ref	Web ID	Date Received
Existing Floor Plans & Location Plan	(20)-002	449185	13/05/2013
Existing Elevations	(20)001	449186	13/05/2013
Proposed Elevations	(20)003	449184	13/05/2013
Proposed Elevations (Section BB)	(20)001	449181	13/05/2013
Proposed Elevations (Section AA)	(20)001	449182	13/05/2013
Proposed Floor Plans	(20)004	449183	13/05/2013

Pursuant to article 31(1)(cc) of the Town and Country Planning (Development Management Procedure) Order 2010 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Leeds City Region Development Management Pledge and otherwise actively engaged with the applicant in dealing with the application. However, for the reason set out above the development would not improve the environmental conditions of the area and would not constitute sustainable development.

Development within a Coal Mining Area

The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to the Coal Authority policy in relation to new development and mine entries available at www.coal.decc.gov.uk

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is available on The Coal Authority website www.coal.decc.gov.uk

Site Notice

- The application has been publicised by notice(s) in the vicinity of the site. Please would you now remove the notice(s) and responsibly dispose of to avoid harm to the appearance of the local 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.

- As this is a decision for a householder application, if you want to appeal against your Local Planning Authority's decision then you must do so within 12 weeks of the date of this notice.

- 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: 28 days of the date of service of the enforcement notice, or within 12 weeks of the date of this notice, whichever period expires earlier.

- Planning Appeals can be made online at www.planningportal.gov.uk/pcs or in writing on a form that must be obtained the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN. Further information on the Planning Appeal process can be found online at the Planning Inspectorates website www.planning-inspectorate.gov.uk.

- 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.

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 fill in the online form www.kirklees.gov.uk/PlanningApplication so that we can work on continually improving our customer service. Thank you.

Dated: 05-Jul-2013

Signed: 

Jacqui Gedman
Director of 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 2013/62/91527/E.

If a paper copy of the decision notice or decided plans are required please email planning.contactcentre@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: planning.contactcentre@kirklees.gov.uk

Write to: Planning Services
Strategic Investment Service
PO Box B93
Civic Centre III
Off Market Street
Huddersfield
HD1 2JR
