

Planning Application Decision Notice

To: A Smith
23, Greenfield Road
Holmfirth
HD9 2LA

For: A Smith

Town and Country Planning Act 1990

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

REFUSAL OF PERMISSION FOR DEVELOPMENT

Application Number: 2017/62/93405/W

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:-

DEMOLITION OF GARAGE AND ERECTION OF TWO STOREY AND SINGLE STOREY REAR EXTENSION WITH FIRST FLOOR BALCONY AND ATTACHED LOWER GROUND GARAGE WITH TERRACE OVER (WITHIN A CONSERVATION AREA)

At: 33, WILSHAW ROAD, MELTHAM, HOLMFIRTH, HD9 4DZ

In accordance with the plan(s) and applications submitted to the Council on 19-Oct-2017, 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:

1. The site is within land designated as Green Belt within the Kirklees Unitary Development Plan and Kirklees Publication Draft Local Plan, the proposed lower ground floor garage, garden room and terrace extension by reason of its scale and projection from the rear of the host property when combined with the two and single storey extension would represent a disproportionate addition over and above the size of the original building. Such a level of addition would be detrimental to the character and openness of the Green Belt and would therefore constitute inappropriate development within the Green Belt. No very special circumstances have been provided which would clearly outweigh the harm to the Green Belt by reason of inappropriateness. The garage, garden room and terrace extension would therefore fail to comply with Policy D11 (i & ii) of the Kirklees Unitary Development Plan, Policy PLP57 (a) of the Kirklees Publication draft Local Plan and Policies set out in Chapter 9 of the National Planning Policy Framework

2. The proposed extensions by reason of its design, scale and siting, would represent an over development of the site which would be harmful to visual amenity and would detract from the character and appearance of the Wilshaw Conservation Area. To permit such a development and would therefore be contrary to Policies BE1 (i), BE2 (ii), BE5 and BE14 (ii) of the Kirklees Unitary Development Plan, Policies PLP24 (a & c) and PLP35 (1) of the Kirklees Publication Draft Local Plan and Policies in Chapters 7 and 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing Plans and Elevations	01	-	05th October 2017
Proposed Floor Plans and Existing and Proposed Site Plans	02	-	05th October 2017
Proposed Elevations and Location Plan	03	-	05th October 2017
Design and Access Statement	-	-	05th October 2017
Further Supporting Statement	-	-	15th January 2018

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. The applicant was advised that the proposal could not be supported by Planning Officers and a further statement was provided, however this did not address the concerns set out above. For the reason set out in the reason for refusal the development would not improve the environmental conditions of the area.

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 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) 12 weeks of the date of this notice,which ever period expires earliest.
- 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/planning-inspectorate> . 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.

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: 24-Jan-2018

Signed:



Naz Parkar
Strategic Director Economy and Infrastructure

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 2017/62/93405/W .

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
