

## **Planning Application Decision Notice**

**To:** Eric Telford,  
Telford Planning Associates  
1, Whinbarrow Close  
Aspatria  
Wigton  
CA7 3HE

**For:** N MOSLEY

### **Town and Country Planning Act 1990**

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

### **REFUSAL OF PERMISSION FOR DEVELOPMENT**

---

**Application Number: 2018/62/91310/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 TWO STOREY REAR EXTENSION**

**At:** NORDIA, 98, PENISTONE ROAD, KIRKBURTON, HUDDERSFIELD, HD8 0TA

**In accordance with the plan(s) and applications submitted to the Council on 23-Apr-2018, 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 proposed rear extension, due to its location, scale, roof style and design, would represent a disproportionate addition which would be harmful to the traditional character of the host property which is located within the Green Belt. To permit the proposal would be contrary to Policy D11 of the Kirklees Unitary Development Plan and guidance within chapter 9 of the National Planning Policy Framework.
2. The proposed rear extension, due to its prominent position and design would result in the formation of an incongruous feature within the streetscene. To permit the proposal would not be in the interest of visual amenity and would be contrary to Policies BE1 and BE13 of the Kirklees Unitary Development Plan and guidance within chapter 7 of the National Planning Policy Framework which sets out, amongst other things, that decision should aim to ensure that developments are “visually attractive as a result of good architecture” (paragraph 58).

3. The proposed rear extension, due to its projection and position along the common boundary with the adjoining no.100 Penistone Road would result in an overbearing and oppressive impact upon the amenities of these neighbouring occupants, in particular with respect to the modest amenity space and the first floor window. As such, the proposal would be detrimental to residential amenity and contrary to Policies D2 and BE14 of the Kirklees Unitary Development Plan and guidance given in the National Planning Policy Framework which sets out that good design should “contribute positively to making places better for people” (paragraph 56).

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Web ID</b>	<b>Date Received</b>
Location plan	-	687786	23/04/2018
Proposed site plan	-	687787	23/04/2018
Existing plans	-	687790	23/04/2018
Proposed plans	-	687791	23/04/2018
Design & access statement	-	687789	23/04/2018

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 Planning 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 scale and position of the proposed extension is considered to be inappropriate in terms of Green Belt, visual amenity and residential amenity. The applicant is aware of this given the negotiations of the previous application. There are no changes which could overcome the concerns set out in this decision notice in relation to the submitted scheme.

## **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). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: <https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. 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 a Coal Authority Permit 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: [www.groundstability.com](http://www.groundstability.com) or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

## **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](mailto:dc.admin@kirklees.gov.uk) so that we can work on continually improving our customer service. Thank you.

**Dated:** 18-Jun-2018

**Signed:**



**Karl Battersby**  
**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](http://www.kirklees.gov.uk/planning), and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2018/62/91310/E .

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

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

---