Planning Application Decision Notice

To: P F Holleworth
Moor Croft
Magbridge
Honley
Holmfirth, HD9 6NA

For: M ALI

Town and Country Planning Act 1990

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

REFUSAL OF PERMISSION FOR DEVELOPMENT

Application Number: 2019/62/92346/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:-

ALTERATIONS TO EXISTING DECKING AND REPLACEMENT PLANTING

At: 16, GREENROYD CROFT, BIRKBY, HUDDERSFIELD, HD2 2DQ

In accordance with the plan(s) and applications submitted to the Council on 26-Jul-2019, 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 decking, by reason of its appearance, overall scale, including its height and width and prominence in the rear garden of no.s 12 and 14 Ashleigh Dale to the north of the application site would create a feature which is out of keeping with the character and appearance of the local area to the detriment of visual amenity. To permit such a development would be contrary to Policy LP24 (a & c) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

2. The proposed decking, by reason of its overall scale, including its height and width would lead to a detrimental overbearing and overshadowing impact on the private amenity space no.12 Ashleigh Dale to the north of the application and when viewed from the rear of no.12. To permit such a development would be contrary to Policy LP24 (b & c) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. The proposed decking, by reason of its overall scale, including its height and width would, layout and orientation would prevent replacement protected trees from growing along the boundary of the application site and nos. 12 and 14 Ashleigh Dale. The decking would therefore lead to the loss of valuable protected trees. To permit such a development would be contrary to Policy LP33 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan 1:1250			
Block Plan 1:500	1921.1		26.7.19
Existing layout	1921.2		26.7.19
Proposed layout	1921.3		26.7.19

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 Case Officer did not undertake any negotiations with the applicant due to the fact no solution could be achieved to overcome the officers concerns.

Development within a Coal Mining Area

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
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,
  i) 28 days of the date of service of the enforcement notice or,
  ii) 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: 19-Dec-2019

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, and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2019/62/92346/W.

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

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