Planning Application Decision Notice

To: Ben Lysiak,
Stonehouse & Architectural Design Ltd
5, Throstle Bank
Halifax
HX2 7DB

For: Mr & Mrs Whitworth

Town and Country Planning Act 1990

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

REFUSAL OF PERMISSION FOR DEVELOPMENT

Application Number: 2020/62/90807/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:-

ERECTION OF FIRST FLOOR EXTENSION AND SINGLE STOREY REAR EXTENSION, ALTERATIONS TO ROOF AND ERECTION OF RAISED DECKING

At: 2, THE COPPICE, FIXBY, HUDDERSFIELD, HD2 2JA

In accordance with the plan(s) and applications submitted to the Council on 11-Mar-2020, 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 first floor extension, by virtue of its siting, form, scale and massing, would appear as an incongruous and discordant feature to both the host dwelling and wider streetscene, thereby causing detrimental harm to the visual amenities of the locality. The proposal would therefore be contrary to Policy LP24 (A) and (C) of the Kirklees Local Plan and Government guidance contained within Chapter 12 of the National Planning Policy Framework.

2. The proposed first floor extension, by reason of the position and size of the first floor window in the rear elevation, would result in significant and demonstrable harm to the amenities of No.12B The Dell in terms of overlooking. The proposal would therefore be contrary to Policy LP24 (B) and (C) of the Kirklees Local Plan and Government guidance contained within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application Form			11th March 2020
Site Location Plan at scale of 1:1250 on A4 paper	-		11th March 2020
Site Plan - Existing	J19-094 – P01		17th March 2020
Existing Floor Plan and Sections	J19-094 – P02		17th March 2020
Existing Elevations	J19-094 – P03		17th March 2020
Site Plan - Proposed	J19-094 – P04		16th November 2020
Proposed Floor Plans and Sections	J19-094 – P05		17th March 2020
Proposed Elevations 1	J19-094 – P06		17th March 2020
Proposed Elevations 2	J19-094 – P07		17th March 2020
Isometrics	J19-094 – P08		17th March 2020
Isometrics 2	J19-094 – P09		17th March 2020
Visuals	J19-094 – P10		17th March 2020

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. Significant concerns were raised with the applicant's agent regarding the scale and massing of the proposal and this impact this would have on the visual amenities of the locality. The applicant's agent was therefore advised to reduce the scale of the scheme or withdraw the application, but the applicant was not favourable to reducing the scale of the proposal.

Site Notice

- If the application has been publicised by notice(s) in the vicinity of the site, please would you now remove the notice(s) and dispose of it/them responsibly 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: 24-Nov-2020

Signed: 

David Shepherd
Strategic Director Growth and Regeneration

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 2020/62/90807/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
