



## **Planning Application Decision Notice**

**To:** J A Oldroyd & Sons Ltd  
The Barn  
3, Primrose Lane  
Hightown  
Liversedge  
WF15 6NS

**For:** J ROBINSON

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

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

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

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**Application Number: 2020/62/91952/W**

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**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 EXTENSION TO GARAGE AND PORCH**

**At:** 38, HEIGHTS DRIVE, LINTHWAITE, HUDDERSFIELD, HD7 5SU

**In accordance with the plan(s) and applications submitted to the Council on 03-Jul-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:**

The proposed extension, by virtue of its prominent siting, unsympathetic form and appearance, and scale, would appear as an incongruous and discordant feature to both the host dwelling and wider streetscene, thereby causing detrimental harm to the character, quality and appearance of the area. 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.

Plans and specifications schedule:-

| <b>Plan Type</b>                               | <b>Reference</b> | <b>Version</b> | <b>Date Received</b> |
|------------------------------------------------|------------------|----------------|----------------------|
| Location Plan at a scale of 1:1250 on A4 paper | -                | -              | 3rd July 2020        |
| Site Plan at a scale of 1:500 on A4 paper      | 19/34            | -              | 6th July 2020        |
| Existing Elevations and                        | 19 34            | -              | 2nd July 2020        |

| <b>Plan Type</b>                                                | <b>Reference</b> | <b>Version</b> | <b>Date Received</b> |
|-----------------------------------------------------------------|------------------|----------------|----------------------|
| Floorplan titled 'Proposed Linked Garage (Existing Plans)'      |                  |                |                      |
| Proposed Elevations and Floorplan titled 'Proposed Link Garage' | 19 34            | -              | 15th October 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.

Officers noted significant concerns with the initial extension proposed to the applicant's agent given its siting, form and scale, and the consequent impact this would have on the visual amenities of the area. Officers outlined that an extension to the dwelling would have to be reduced significantly in scale whilst respecting the form of the dwelling for it to be acceptable. Amended plans were received on 15th October 2020, giving the extension a flat roof instead of a pitched roof, but this did not address officer concerns. The applicant's agent was informed that officers could not support such a proposal, but the applicant was not favourable to reducing the scale of the proposal further and wished for the application to be determined in its submitted form. The applicant's agent requested that the amended plans received on 15th October 2020 were the drawings to be considered under this application and this request was accepted by officers.

#### **Site Notice**

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

**Dated:** 04-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](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 2020/62/91952/W.

If a paper copy of the decision notice or decided plans are required please email [dc.admin@kirklees.gov.uk](mailto:dc.admin@kirklees.gov.uk) or telephone 01484 414746 with the application number. There may be a charge for this service.

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All communications should be sent to one of the following address:

**E-mail:** [dc.admin@kirklees.gov.uk](mailto:dc.admin@kirklees.gov.uk)

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

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