

Planning Application Decision Notice

To: Edward Gribbin,
Orange Design Studio
59A, Huddersfield Road
Mirfield
WF14 8AA

For: D Stones

Town and Country Planning Act 1990

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

REFUSAL OF PERMISSION FOR DEVELOPMENT

Application Number: 2020/62/92208/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 SINGLE STOREY FRONT, SIDE AND REAR EXTENSIONS WITH
OUTBUILDING AND ASSOCIATED WORKS**

At: 1A, WATER ROYD AVENUE, MIRFIELD, WF14 9LR

In accordance with the plan(s) and applications submitted to the Council on 13-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:

1. The development proposal by reason of its scale, position and design would give rise to a visually dominating and incongruous built form, which would be unduly harmful to the overall appearance of the existing bungalow, as well as the prevailing character of its immediate surroundings. The impact on local street-scenes would also be unacceptable. To permit the development in its current form would cause significant conflict with the aims of Policy LP24(c) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.
2. The proposed outbuilding, in terms of its siting, would have the potential of prejudicing the long-term viability of an existing protected silver birch tree on site. There is no information submitted to demonstrate that the outbuilding could be erected without causing damage to the root and crown spread of the tree. To permit the development in its current form would not therefore conform to Policies LP24(i) and LP33 of the Kirklees Local Plan, which requires the retention of all valuable or important trees.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location plan	(EX)002		13-Jul-2020
Existing plans and elevations	(EX)001		13-Jul-2020
Proposed plans and elevations	(20)001		13-Jul-2020
Block plan	(20)002	A	24-Aug-2020
Proposed plans and elevations (outbuilding)	(20)003		24-Aug-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 has, 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. No amendments were sought during consideration of this application as there were fundamental concerns in terms of the scale, position and design of the submitted scheme, which could not be addressed without a complete redesign of the scheme, which would fall outside the current application description. Meanwhile, the applicant did not take the opportunity to seek formal pre-application advice before submitting this application.

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: 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 or a similar service provider.

If any 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

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 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: 07-Sep-2020

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 2020/62/92208/E .

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
