



Planning Application Decision Notice

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

For: R Martin

Town and Country Planning Act 1990

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

REFUSAL OF PERMISSION FOR DEVELOPMENT

Application Number: 2021/62/91781/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 REAR AND TWO STOREY SIDE
EXTENSIONS AND CANOPY TO FRONT**

At: 4, WINDERMERE ROAD, DEWSBURY, WF12 7PQ

In accordance with the plan(s) and applications submitted to the Council on 18-May-2021, 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 two-storey side extension would take up all or most of the space to the side of the house and fail to maintain a 1.0 metre gap to the side boundary to ensure the building is not too close to a neighbouring property. As such it would close a gap between semi-detached houses and further erode a sense of space between houses which is a positive characteristic of the street-scene. This does not promote good design and is contrary to Policy LP24 of the Kirklees Local Plan and design guidance given in sections 4.1, 4.2, 4.3, 5.19, 5.20 & 5.21 of the Kirklees House Extensions Supplementary Planning Document.

2. The proposed side extension would abut the mutual boundary with 6, Windermere Road, which has four windows in its facing side elevation and driveway in between. Three are small windows, and thought to be to non-habitable rooms, another (at ground floor level) is larger and thought to be a kitchen window.

The close proximity and massing of the proposed side extension to them would significantly reduce aspect from them whilst resulting in increased overbearing impact and overshadowing of the space. This would not minimise the impact on residential amenity of future and neighbouring occupiers and is contrary to Policy LP24 of the Kirklees Local Plan together with key design principles 5 and 6 of the Kirklees House extensions Supplementary Planning Document.

3. The proposal includes turning the entire front garden into off street parking. This would contribute to a street-scene beginning to be dominated by large areas of hard surfaces and parked cars. This would have a negative impact upon the character of the street scene and does not promote good design. It is contrary to Policy LP24 of the Kirklees Local and 4.43 of the Kirklees House Extensions Supplementary Planning Document.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan			29.04.2021
Site plan	Dwg no. 20/80		29.04.2021
Plans and elevations as existing	Dwg no. 20/80		29.04.2021
Plans and elevations as proposed	Dwg no. 20/80		29.04.2021

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. The applicant was approached regarding amendments to the application, they agreed to altering the description, but wished it to be determined on the basis of the submitted scheme. For the reason set out in the reason for refusal the development would not improve the environmental conditions of the area.

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

Digital Infrastructure: Fibre To The Property (FTTP)

Access to affordable and reliable broadband is necessary for Kirklees' residents, businesses, and visitors to take advantage of the growing digital economy and 'digital by default' services. Fibre optic cables direct to a property (FTTP) is the most reliable way of delivering high speed broadband connectivity and allows for gigabit internet speeds. Access to high quality digital infrastructure provides the foundations for, amongst other things:

- Economic prosperity – workforces that are digitally-literate enables business to thrive.
- Digital literacy – digital literacy and skills increase employability and people can exploit the internet for transactional, social, entertainment and learning purposes.
- New services – digital delivery can lower costs and provide innovative public and health services more conveniently.

It is therefore advised that digital infrastructure, including FTTP, and its benefits for the development be considered from the earliest feasible stage. Methods include working with Internet Service Providers to install digital infrastructure alongside other utilities or providing pre-infrastructure allowing for speedier installation at a later date.

To discuss the benefits that FTTP may have for your development, please contact Carl Tinson in Kirklees Council's Digital Team at carl.tinson@kirklees.gov.uk

Note: The provision of fibre infrastructure is often available from certain telecommunications providers free of charge for development over a certain scale, provided that sufficient notice is given. Notice periods are typically at least 12 months prior to first occupation. In some cases, providers may request a contribution from the developer.

Note: Where no telecommunications provider has been secured to provide fibre infrastructure by the time of highway construction, it is advised that additional dedicated telecommunications ducting is incorporated alongside other utilities to enable the efficient and cost effective provision of fibre infrastructure in the future.

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 [the Planning Inspectorates Website](#) . Further information on the Planning Appeal process can be found online at [the Planning Inspectorates website](#).
- 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: 21-Mar-2022

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 [Kirklees Council Planning](#), and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2021/62/91781/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 and Development Service
Economy and Infrastructure
PO Box B93, Civic Centre 3,
Off Market Street, Huddersfield, HD1 2JR
