**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: 2022/62/90199/E**

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**To:** Hasan Dadibhai,
KUFIC
Suite 24
Batley Business Park
Technology Drive
Batley
WF17 6ER

**For:** M Ismail

**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:-**

SINGLE STOREY REAR EXTENSIONS AND ASSOCIATED ALTERATIONS

**At:** 22, BREWERY LANE, THORNHILL LEES, DEWSBURY, WF12 9DZ

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**In accordance with the plan(s) and applications submitted to the Council on 20-Jan-2022. The reasons for the Council's decision to refuse permission for the development are:**

1. The extension, by reason of the scale, bulk, position and massing, does not respect the form of the host property. Furthermore, the cumulative impact of the extensions to the rear of the building forms an incongruous feature that is detrimental to visual amenity. To permit the extension would be contrary to Policy LP24 of the Kirklees Local Plan and chapter 12 of the National Planning Policy Framework.

2. The extension, by reason of the projection, height, bulk, position and massing, has an overbearing and oppressive impact on the ground floor windows and amenity space thereby detrimental to the occupants of the adjacent 13 Nursery Street. To permit the extension would be contrary to Policy LP24 of the Kirklees Local Plan and chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

| Plan Type | Reference | Web ID | Date Received |
|---|---|---|---|
| Location plan | - | 914050 | 20/01/2022 |
| Proposed plans | D02-a | 914049 | 20/01/2022 |

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 submitted plans raised significant concerns in terms of design, the cumulative impact of the existing & proposed extensions, given the incongruous appearance of the resultant building as well as the significant overbearing and oppressive impact on the adjacent 13 Nursery Street. Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 encourages negotiation/engagement between Local Planning Authorities and agents/applicants. However, there are no alterations which would be considered to overcome the concerns. Therefore, the agent has not been approached to amend the scheme.

**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 speeder 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.**

**The application has been publicised by notice(s) in the vicinity of the site. It is respectfully requested that the notice(s) now be removed and responsibly disposed of to avoid harm to the appearance of the 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 then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.**
- **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) the specified period starting from the date of this notice,**

**whichever period expires earlier.**

- **If you want to appeal against your Local Planning Authority's decision then you must do so within the specified period, starting on the date of this notice.**

- **The "specified period" is 12 weeks where the development relates to a "minor commercial application" as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.**

- **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 Inspectorate 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.**

**Purchase Notices**

- **If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.**

**In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.**

**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:** 17-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 Planning Website, by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2022/62/90199/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.

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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

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