

## **Planning Application Decision Notice**

**To:** Mannan Iqbal,  
Unite Designs  
6a, Greenhead Road  
Huddersfield HD1 4EN

**For:** M PETER

### **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: 2022/62/91084/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 OUTBUILDING, FORMATION OF NEW WINDOW OPENINGS AND EXTERNAL ALTERATIONS, WIDENING OF DRIVEWAY WITH ASSOCIATED ALTERATIONS TO WALL (LISTED BUILDING WITHIN A CONSERVATION AREA).

**At:** 1, QUEENS ROAD, EDGERTON, HUDDERSFIELD, HD2 2AG

**In accordance with the plan(s) and applications submitted to the Council on 13-Apr-2022, 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 development, by reason of the loss of historic wall and widening of the access and detailing of the outbuilding and alterations to the dwelling would fail to be in keeping with and reflective of the host building, or the character and appearance of the wider area, introducing an incongruous and unsympathetic development within the Edgerton Conservation Area and to the setting of the listed building. Furthermore, the proposals would cause less than substantial harm to designated heritage assets whereby no clear and convincing justification has been provided and there are no obvious public benefits arising from the proposals to outweigh this identified harm. The proposals are therefore considered to be contrary to LP24a and LP35 of the Kirklees Local Plan, Chapters 12 and 16 of the National Planning Policy Framework, Principles 1 & 2 of the House Extensions and Alterations Supplementary Planning Document and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. In the absence of an Arboriculture Impact Assessment, a full and proper assessment of the impact the proposals may have on large mature and protected trees within the site which provide substantial public amenity cannot be undertaken. The development proposed would be sited close to these trees to the extent that it could either directly or indirectly threaten them. In these circumstances, the development is contrary to Policies LP24i and LP33 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and Principle 13 of the House Extensions and Alterations Supplementary Planning Document.

**Plans and specifications schedule:-**

<b>Plan Type</b>	<b>Reference</b>	<b>Web ID</b>	<b>Date Received</b>
Existing Site Plan	UD-467	-	29th March 2022
Existing Side Elevation	UD-467	-	29th March 2022
Proposed Side Elevation	UD-467	-	29th March 2022
Proposed Site Plan	UD-467	-	29th March 2022
Design and Access Statement – Supporting Information	-	-	29th March 2022
Heritage Statement – Supporting Information	-	-	10th October 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 Authority have, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Amendments were sought to the scheme to reduce the size of the large modern windows proposed on the northern elevation of the outbuilding and for them to be more traditional in appearance. Officers also requested the proposed glazed balustrade to be replaced with either metal or timber railings in the interests of visual amenity. Whilst amendments were requested, alongside an Arboricultural Impact Assessment, no additional information has been provided.

**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](http://www.gov.uk/government/organisations/the-coal-authority)

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

**Dated:** 11-Apr-2023

**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 2022/62/91084/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:** Kirklees Council  
Planning and Development Service  
PO Box 1720  
Huddersfield  
HD1 9EL

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