Town and Country Planning Act 1990

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

REFUSAL OF PERMISSION FOR DEVELOPMENT

Application Number: 2022/62/93691/W

To: Paul Ibberson
Cadvis3d
The Towers, 237, Wakefield Road
Lepton
Huddersfield
HD8 0DH

For: Maxine Armitage, Armitage Leisure Ltd

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:-

CONVERSION AND ALTERATIONS OF EXISTING WORKSHOP/STORAGE FACILITY TO FORM 2 RESIDENTIAL DWELLINGS

At: WORKSHOP REAR OF, 121 A, ACRE STREET, LINDLEY, HUDDERSFIELD, HD3 3EJ

In accordance with the plan(s) and applications submitted to the Council on 14-Nov-2022. The reasons for the Council's decision to refuse permission for the development are:

1. The raising of the roof height and the insertion of curtain glazing and balconies within it, would appear visually discordant and incongruous in the street scene and would fail to relate to or respect the host building's original form being an unsympathetic cramped and overprominent residential overdevelopment of the site that would harm the character and appearance of the area. This would be contrary to Policy LP24a of the Kirklees Local Plan, the aims of Principles 2, 13, 14 and 15 of the Council's adopted Housebuilders Design Guide Supplementary Planning Document and Chapter 12 of the National Planning Policy Framework.

2. The habitable room windows to serve bedrooms two in both dwellings, by reason of their siting close to close boarded timber fencing, location and design, would experience severely restricted natural light and outlook. The habitable windows to

the front elevation of the northern-most residential dwelling unit would have a poor outlook onto the stone wall elevation of No. 121a in close proximity. In addition, the proposed dwellings would not have sufficient functional or proportionate and useable private amenity space to meet the needs of the occupiers. Therefore, the proposed development would fail to provide a high level of amenity to the future occupiers of the dwellings, contrary to the aims of the National Planning Policy Framework paragraphs 125(c) and 130(f), Policy LP24(b) of the Kirklees Local Plan and Principle 17 of the Council's adopted Housebuilders Design Guide Supplementary Planning Document.

3. The access and parking arrangements for the proposed units would result in the movement of vehicles and manoeuvring within close proximity to habitable room windows of apartments 1 and 2 within No. 121a Acre Street, which would have an intensified use likely to exceed that associated with the existing use and parking arrangements for the workshop. Therefore, the proposed development would fail to retain a high standard of amenity for the existing occupiers of Apartments 1 and 2 121a Acre Street, contrary to the aims of the National Planning Policy Framework paragraphs 125(c) and 130(f), and Policy LP24(b) of the Kirklees Local Plan.

Plans and specifications schedule:-

Plan Type	**Reference**	**Version**	**Date Received**
Site, Location, Existing Floor and Elevation Plans and Section with 3D image	Drawing No. A(00)-01	-	15/11/2022
Site, Location, Proposed Floor and Elevation Plans and Section with Artist impression image	Drawing No. A(10)-02	-	15/11/2022
Phase 1 Contamination Report	GeoEnviro Solutions Limited (Report No. GES1241-21) (Dated: 11th February 2021)	Issue 01	15/11/2022

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.

In this instance, no negotiations or amendments have been sought as part of this application, as the scheme is considered to be unacceptable in principle for the reasons set out in the Officer report.

Development within a Coal Mining Area

DEVELOPMENT LOW RISK AREA – STANDING ADVICE

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

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: 09-Jan-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 Planning Website, by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2022/62/93691/W.

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: Kirklees Council
Planning and Development Service
PO Box 1720
Huddersfield
HD1 9EL
