

Planning Application Decision Notice

To: Mel Ball
Trend Architecture
103, Bradford Road
Fartown
Huddersfield
HD1 6DZ

For: Y BANWAIT

Town and Country Planning Act 1990

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

REFUSAL OF PERMISSION FOR DEVELOPMENT

Application Number: 2023/62/90630/W

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 TWO STOREY EXTENSION

At: 53, GREENHEAD ROAD, HUDDERSFIELD, HD1 4ER

In accordance with the plan(s) and applications submitted to the Council on 02-Mar-2023, 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 extension by reason of its design, scale and massing would not be of a subservient design and would appear as an incongruous and discordant addition to the host dwelling, which would, in turn, harm the character and appearance of the dwelling and the wider street scene and setting of Greenhead Park/New North Road Conservation Area. There are no public benefits identified which would outweigh the less than substantial harm to the setting of the Conservation Area. The development would be contrary to Policy LP2, LP24(a) and (c) and LP35 of the Kirklees Local Plan, Key Design Principles 1 and 2 of the Kirklees House Extensions and Alterations Supplementary Planning Document and Policy set out in Chapters 12 and 16 of the National Planning Policy Framework.

2. The proposal would have an unacceptable overbearing impact, and resultant loss of outlook, to No. 55 Greenhead Road and would lead to an unacceptable level of overshadowing that would have a detrimental impact upon Nos.51 & 55 Greenhead Road. The proposal would be contrary with Policy LP24(b) of the Kirklees Local Plan, Principles 4, 5 & 6 of the House Extensions and Alterations SPD and policies within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing Location and Site Plan	No. TR-A22-1101-001	Unamended	27/02/2023
Proposed Location and Site Plan	No. TR-A22-1101-005	C	07/03/2023
Existing Elevation Plans	No. TR-A22-1101-003	B	02/03/2023
Existing Floor Plans	No. TR-A22-1101-002	Unamended	27/02/2023
Proposed Elevations	No. TR-A22-1101-007	C	07/03/2023
Proposed Floor Plans	No. TR-A22-1101-006	C	07/03/2023
Proposed Sections	No. TR-A22-1101-008	C	07/03/2023
Proposed 3D View.	No. TR-A22-1101-009	C	07/03/2023
Climate Change Statement	-	Original	01/03/2023

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, supplied detailed design guidance in the House Extensions and Alterations SPD and otherwise actively engaged with the applicant in dealing with the application.

The agent was contacted regarding plans which did not accurately set out the front elevation of the host building and had this in part corrected within submitted proposed plans. In relation to Officers' concerns over the design and other considerations, the agent was not contacted during the course of the application as the scale of amendments required would materially change the development applied for.

Development within a Coal Mining Area

DEVELOPMENT HIGH RISK AREA - INFORMATIVE NOTE

The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine 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, excavations for 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.

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

- 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: 24-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 2023/62/90630/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
