Planning Application Decision Notice

To: Dan Hockey,
Dzign House Architecture Ltd
Oakwell House
643a, Roundhay Road
Leeds
LS8 4BA

For: Mr & Mrs Morris

Town and Country Planning Act 1990

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

REFUSAL OF PERMISSION FOR DEVELOPMENT

Application Number: 2023/62/90835/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 SINGLE STOREY SIDE AND ALTERATIONS TO GARAGE TO EXTEND LIVING ACCOMMODATION

At: AMBALEA HOUSE, 2A, LE MARCHANT AVENUE, LINDLEY, HUDDERSFIELD, HD3 3DF

In accordance with the plan(s) and applications submitted to the Council on 23-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 development would be located within close proximity to a tree that is protected by a Tree Preservation Order. The development would have a direct conflict with the tree due to the increase of the footprint of the property under the canopy of the tree which would cast shade and drop debris. The encroachment of development into the canopy spread would lead to a harmful impact to the viability and longevity of the protected tree. To permit the development would be contrary to Policies LP2, LP24 (i) and LP33 of the Kirklees Local Plan, policies within Chapter 12 of the National Planning Policy Framework and Key Design Principle 13 of the Council's adopted House Extensions and Alterations SPD

2. By virtue of its siting, size, and design, the proposed development would lead to development within a prominent part of the site which would have a harmful impact upon the character of the host property and wider locality which would significantly encroach beyond the established building line. The proposed development is not considered to harmonise with the visual amenity of the host property and street scene contrary to Policies LP2 and LP24 of the Kirklees Local Plan, Principles 1 and 2 and paragraphs 5.13 and 5.23 of the Council's adopted 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 floor plans	411-01		15th March 2023
Existing elevations	411-02		15th March 2023
Proposed floor plans	411-03.1		15th March 2023
Proposed elevations	411-04.2		15th March 2023
Existing site layout	411-05		15th March 2023
Proposed site layout	411-06		15th March 2023
Location plan	411-07		15th March 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 and otherwise actively engaged with the applicant in dealing with the application. No negotiations have taken place as it was considered that the issues relating to the Tree Preservation Order could not be overcome.

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

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: 04-Sep-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 2023/62/90835/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
