

## **Planning Application Decision Notice**

**To:** Andrew Smith,  
Valley Properties  
5, Holmfirth Road  
Meltham  
Holmfirth HD9 4AA

**For:** D BAMFORTH

### **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: 2023/62/91410/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 TWO STOREY SIDE EXTENSION (WITHIN A CONSERVATION AREA)

**At:** 10, MALLARD WAY, SLAITHWAITE, HUDDERSFIELD, HD7 5JL

**In accordance with the plan(s) and applications submitted to the Council on 18-May-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 position, overall scale and proximity to neighbouring properties, would result in an unacceptable degree of harm to the amenities of the occupiers of the adjacent dwelling No. 12 Mallard Way in terms of being overbearing, leading to loss of light and overshadowing. The proposal therefore fails to comply with Policy LP24(c) of the Kirklees Local Plans, policies within Chapter 12 of the NPPF and Principles, 5 and 6 of the Kirklees House Extensions and Alterations Supplementary Planning Document.

2. The proposed side extension given its relationship with its neighbour, reducing the separation distance between the two properties, and creating a vehicular access over an area intended for soft landscaping would have a harmful impact on the visual amenity of the area, street scene and Slaithwaite Conservation Area. The proposal therefore fails to comply with Policies LP24 (a & b) & LP35 (3a & b) of the Kirklees Local Plan, principles 1, 2, 7 and 9 of the Supplementary Planning Document on House Extensions (SPD) and policies within Chapters 12 & 16 of the National Planning Policy Framework.

3. Insufficient and inadequate information has been submitted to enable a full assessment of the impact of the development upon protected trees and demonstrate compliance with policy LP33 of the Kirklees Local Plan.

Plans and specifications schedule: -

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Application Form			15th May 2023
Location Plan 1:1250			15th May 2023
Existing layout & elevations			15th May 2023
Proposed layout & elevations	23-017-04	B	20th October 2023
Climate Change Guidance			15th May 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. The Case Officer informed the agent that the application was unacceptable and was unable to recommend a solution that would overcome concerns. Following these amended plans have been submitted to show a hipped roof and the internal staircase removed in order to reduce the size of the garage. However, these amendments were insufficient to overcome concerns.

#### **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:** 09-Nov-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 2023/62/91410/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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