

## **Planning Application Decision Notice**

**To:** S Manzoor  
6, Grimscar Avenue  
Birkby  
Huddersfield  
HD2 2TU

**For:** S Manzoor

### **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: 2023/62/91591/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 SINGLE STOREY REAR EXTENSION AND INSTALLATION OF DORMER WINDOWS TO THE FRONT AND REAR (WITHIN A CONSERVATION AREA)

**At:** 6, GRIMSCAR AVENUE, BIRKBY, HUDDERSFIELD, HD2 2TU

**In accordance with the plan(s) and applications submitted to the Council on 25-Jul-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 rear extension, by reason of its siting, form and overall projection would represent a cramped form of development and incongruous addition to the host property and wider the street scene. The extension would not be subservient to the host property and would be a dominant and incongruous feature in the locality, detrimentally harmful to the character of the host property and the visual amenities of the locality. The proposal would lead to less than substantial harm to the significance of the Birkby Conservation Area. The proposal would therefore be contrary to Policies LP24 (a) and (c) and LP35 of the Kirklees Local Plan, Principles 1 and 2 of the Kirklees House Extensions and Alterations Supplementary Planning Document and Chapters 12 and 16 of the National Planning Policy Framework.

2. The proposed rear 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. 8 Grimscar Avenue in terms of overbearing, loss of light and overshadowing and No.4 Grimscar Avenue in terms of overlooking at close quarters. Given that limited amenity space would be provided to the rear too, the proposal would provide a poor standard of amenity for existing and future occupiers of No.6 Grimscar Avenue. The proposal therefore fails to comply with Policy LP24(b) of the Kirklees Local Plans, Chapter 12 of the National Planning Policy Framework and Principles 3, 4, 5, 6 and 7 of the Kirklees House Extensions and Alterations Supplementary Planning Document.

3. The proposed dormer windows, by reason of their siting, design and scale would represent incongruous additions to the roof scape of the host property and wider the street scene. They would be a dominant feature in the locality, detrimentally harmful to the character of the host property and the visual amenities of the locality, leading to less than substantial harm to the significance of the Birkby Conservation Area. The dormer windows would therefore be contrary to Policies LP24 (a) and (c) and LP35 of the Kirklees Local Plan, Principles 1 and 2 of the Kirklees House Extensions and Alterations Supplementary Planning Document and policies within Chapters 12 and 16 of the National Planning Policy Framework.

Plans and specifications schedule: -

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Application Form			31.5.23
Location plan			31.5.23
Existing layout & elevations	2126/01		21.7.23
Proposed layout & elevations Location Plan 1:1250 /Block Plan 1:500	2126/02	F	25.7.23
Heritage Statement			21.7.23
Climate statement			13.6.23

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 didn't requested amendments given the previous refusal.

### **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:** 26-Oct-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 2023/62/91591/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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