



**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: 2023/62/92795/W**

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**To:** Mark Strawbridge,  
Studio Charrette  
The Clubhouse, 50, Grosvenor Hill  
London  
W1K 3QT

**For:** Mark Strawbridge, Studio Charrette

**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 ALTERATIONS TO  
CONVERT EXISTING DWELLING INTO HOUSE OF MULTIPLE OCCUPATION  
(WITHIN A CONSERVATION AREA)

**At:** 37, UPPER GEORGE STREET, SPRINGWOOD, HUDDERSFIELD, HD1 4AW

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**In accordance with the plan(s) and applications submitted to the Council on 25-Oct-2023. 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 fail to be subservient to the original dwelling and would appear an incongruous addition to the host dwelling, which would, in turn, harm the character and appearance of the dwelling and the character of the wider streetscene. The proposal would therefore be contrary to Policy LP24 (a) and (c) of the Kirklees Local Plan, Key Design Principles 1 and 2 of the Kirklees House Extensions and Alterations Supplementary Planning Document and national Policy set out in Chapter 12 of the National Planning Policy Framework.

2. Given the size, scale, design and prominent sitting of the proposed extension, the development would have an unacceptable impact upon the heritage significance of the Springwood Conservation Area. No public benefits are considered to exist to outweigh the less than substantial harm. The development would be contrary to Policy LP35 of the Kirklees Local Plan and Policies within Chapter 16 of the National Planning Policy Framework as well as the requirements of The Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990

3. The proposed extension, by virtue of its scale, design and siting in relation to shared boundaries, would lead to a detrimental overshadowing and overbearing impact to the occupiers of No.'s 35 and 39 Upper George Street. Furthermore, the west facing windows to the bedrooms would overlook the private amenity space of No. 39 Upper George Street at close quarters. Therefore, the proposal would fail to retain a high standard of amenity for existing occupiers of these neighbouring dwellings contrary to Policy LP24(b) of the Kirklees Local Plan, Design Principles 3, 4, 5 and 6 of the Kirklees House Extensions and Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

4. The proposed development would present poor standards of amenity for future occupiers, by reason of the size of the bedrooms, the limited outlook from bedrooms to the second floor served by roof lights, outlook and daylight provision to the shared habitable cinema room within the cellar and level of outdoor amenity space which would be provided. Therefore, the development would be contrary to paragraph 130(f) of the National Planning Policy Framework, principles 3, 4, 5, 6 & 7 of the Council's adopted House Extensions and Alterations SPD and policy LP24(b) of the Kirklees Local Plan.

Plans and Specifications Schedule:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	-	-	20.09.23
Proposed HMO Layout (East Section)	-	-	20.09.23
Proposed HMO Layout (Front & Back Elevations)	-	-	20.09.23
Proposed HMO Layout (Floor Plans)	-	-	20.09.23
Proposed HMO Layout (Structural Layout)	-	-	20.09.23
Proposed HMO Layout (West Section)	-	-	20.09.23
Proposed HMO Layout (Existing & Proposed Site Plan)	-	-	20.09.23
Proposed HMO Layout (Existing Front and Back Elevations)	-	-	20.09.23
Proposed HMO Layout (East & West Section)	-	-	20.09.23
Existing Layout	-	-	20.09.23
Proposed Site Plan	-	-	23.10.23
Design and Access Statement	-	-	20.09.23
Climate Change Statement	-	-	23.10.23
Coal Report	51003384758001	-	23.10.23
Coal Map	-	-	23.10.23
Coal Mining Risk Assessment	-	-	25.10.23

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 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.

No amendments were sought as it wasn't considered that there would be a design solution that would provide the level of accommodation sought.

If this application has been publicised by notice(s) in the vicinity of the site, please would you now remove the notice(s) and disposed of it/them responsibly 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 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](mailto:dc.admin@kirklees.gov.uk) so that we can work on continually improving our customer service. Thank you.

**Dated:** 15-Dec-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 2023/62/92795/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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