



**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: 2023/62/93544/W**

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**To:** Haroon Iqbal,  
HI Architecture  
32, Oastler Avenue  
Springwood  
Huddersfield  
HD1 4EU

**For:** R Gulay

**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:-**

DEMOLITION OF EXISTING DWELLING AND ERECTION OF DETACHED DWELLING

**At:** 382, BRADLEY ROAD, BRADLEY, HUDDERSFIELD, HD2 1PU

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**In accordance with the plan(s) and applications submitted to the Council on 01-Dec-2023. The reasons for the Council's decision to refuse permission for the development are:**

1. The proposed dwelling by virtue of the layout of the dwelling, its cramped appearance on the plot, scale and massing, and its prominent and open location on Bradley Road, would represent a contrived form of development that would fail to sympathetically integrate with the existing development in the locality. It is therefore considered to be out of keeping with the immediate area and would fail to harmonise with the character of the street, introducing an incongruous addition to Bradley Road. It is therefore considered that the proposal would not accord with Policies LP1, LP2, LP11 and LP24(a) of the Kirklees Local Plan, Principles 2, 5, and 6 of the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

2. The proposed residential development, by reason of its siting, scale, massing, orientation and close proximity to neighbouring land would have a significant overbearing and oppressive impact upon the amenity and outlook of no. 378 Bradley Road. To permit such a development would be contrary to policy LP24 (b) of the Kirklees Local Plan, Principle 6 of the Council's adopted Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

3. The proposed residential development, by virtue of its location, scale, massing and orientation of the proposed dwelling to a kitchen window within adjacent neighbouring property no. 384 Bradley Road, it is considered that the proposals would have an overbearing impact upon the residential amenity of the occupiers of no. 384 Bradley Road, resulting in a loss of outlook and light. To permit such a development would be contrary to policy LP24 (b) of the Kirklees Local Plan, Principle 6 of the Council's adopted Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

4. The proposals have not demonstrated that the application site can be accessed effectively and safely by all users. Furthermore, insufficient information has been provided to help establish whether the required number of off-street parking spaces can be located within the driveway of the proposed dwelling and therefore a full assessment has not been able to be undertaken on whether the proposals would have a detrimental impact upon highway safety. The proposals would therefore not accord with Policies LP21 and LP22 of the Kirklees Local Plan, Chapter 9 of the National Planning Policy Framework, Principle 12 of the Housebuilders Design Guide Supplementary Planning Document and the Kirklees Highways Design Guide Supplementary Planning Document.

**Plans and specifications schedule:-**

<b>Plan Type</b>	<b>Reference</b>	<b>Web ID</b>	<b>Date Received</b>
Existing Plans, Elevations & Location Plan	0022-100-RG	P01	1st December 2023
Proposed Plans & Elevations	0022-200-RG	P01	1st December 2023
Block Plan & Visuals	0022-250-RG	P01	1st December 2023
Design and Access Statement – Supporting Information	-	-	1st December 2023
Climate Change Statement – Supporting Information	-	-	1st December 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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The applicant's agent was made aware of Officers concerns in respect to the overall scale and size of the building within both withdrawn application 2022/93919 and throughout the pre-application process (app ref: 2023/21042) which also included a meeting with the applicant and applicant's agent. Whilst some of the changes discussed have been implemented within this resubmission, there are still a number of concerns with the proposals and given the level of discussions already taken place further amendments have not been requested in this instance, Officers have instead sought to move the application to determination.

### **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)

If this application has been publicised by notice(s) in the vicinity of the site, please would you now remove the notice(s) and dispose 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:** 19-Jan-2024

**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 2023/62/93544/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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