



Planning (Listed Buildings and Conservation Areas) Act 1990

REFUSAL OF LISTED BUILDING CONSENT

Application Number: 2023/65/93554/W

To: Sam Dewar,
DPA Planning Ltd
4100, Park Approach
Thorpe Park
Leeds
LS15 8GB

For: C Crabtree

The KIRKLEES COUNCIL hereby give notice that LISTED BUILDING CONSENT has been refused for the execution of the works referred to:-

LISTED BUILDING CONSENT FOR ERECTION OF SINGLE STOREY SIDE
EXTENSION AND PORCH GALLOWS

At: 7, OWL MEWS, LASCELLES HALL, HUDDERSFIELD, HD5 0BD

In accordance with the plan(s) and applications submitted to the Council on 17-Jan-2024. The reasons for the Council's decision to refuse consent for the development are:

The proposed single-storey side extension would fail to respect the original character and appearance of the host building and wider area by adding a dominant and incongruous feature with a discordant roof form and uncharacteristic substantial sections of glazing in an oak frame. The bulk and massing would protrude forward of the existing porch and appear as a visually incongruous and over dominant form competing with the most significant northwest elevation of the historic host and its plan form. This would result in less than substantial harm to the significance of the Grade II listed group of Buildings. There are no public benefits that would outweigh this harm.

The proposal is therefore contrary to Policies LP24 (a and c) and LP35 of the Kirklees Local Plan, Government Policy contained within Chapters 12 and 16 of the National Planning Policy Framework and the Council's duties under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan.	Drawing no. CC002.	Unamended	17/01/2024
Existing Elevation Plans with Isometric View.		A	17/01/2024
Existing and Proposed Floor Plans.	Drawing no. CC004.	Unamended	25/01/2024
Proposed Site Layout Plan.	Drawing no. CC002.	Unamended	04/12/2023
Proposed Elevation Plans with Isometric View.		A	17/01/2024
Design and Heritage Statement	Design and Heritage Statement by Dewar Planning. November 2023.	Unamended	04/12/2023
Covering Letter	Covering Letter by Dewar Planning. 01/12/2023	Unamended	04/12/2023
Climate Change Statement	-	-	04/01/2024

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 considered the application on review and sought no amendments as the proposal could not be supported on heritage amenity.

Development within a Coal Mining Area

The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

The application has been publicised by notice(s) in the vicinity of the site. It is respectfully requested that the notice(s) now be removed and responsibly disposed of to avoid harm to the appearance of the area

If the applicant is aggrieved by the decision of the Local Planning Authority to refuse listed building consent for the proposed works, or to grant consent subject to conditions, he/she may, by notice served within six months of the date of issue of this notice, appeal to the Secretary of State for the Environment in accordance with Sections 20-21 of the Planning (Listed Buildings and Conservation Areas) Act 1990. 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 has power to allow a longer period for the giving of a notice of appeal and he will exercise his power in cases where he is satisfied that the applicant has deferred the giving of notice because negotiations with the Local Authority in regard to the proposed works are in progress.

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: 25-Mar-2024

Signed:



David Shepherd
Strategic Director Growth and Regeneration

Application Plans

The decision notice indicates which plan/s relate to the decision.

Plans can be viewed on [the Planning and Building Control web site](#)

If a paper copy of the decided plan is required please email:

dc.admin@kirklees.gov.uk

or telephone (01484) 414746 with the application number.

There may be a charge for this service.

Address to which all communications should be sent:

Kirklees Council
Planning and Development Service
PO Box 1720
Huddersfield
HD1 9EL
