Town and Country Planning Act 1990

Town and Country Planning (Development Management Procedure) (England) Order 2015

REFUSAL OF PERMISSION FOR DEVELOPMENT

Application Number: 2023/62/93584/W

To: M Shah
16, Bromley Road
Bingley
BD18 4DS

For: M Shah

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 EXTENSIONS AND ALTERATIONS TO FORM 4 FLATS (LISTED BUILDING WITHIN A CONSERVATION AREA)

At: 145, TRINITY STREET, HUDDERSFIELD, HD1 4DZ

In accordance with the plan(s) and applications submitted to the Council on 10-Jan-2024. The reasons for the Council's decision to refuse permission for the development are:

1. The proposed development, by reason of its design and appearance of the two-storey rear extension, new rooflights to the front elevation and use of low-quality materials would fail to respect the original character and design of the host and area. This would result less than substantial harm to the significance of the Greenhead Park/New North Road Conservation Area and the Grade II listed group of Buildings and wider harm to the visual amenity of the area. Public benefits to outweigh such harm have not been demonstrated. The proposal is therefore contrary to Policies LP24 (a and c) and LP35 of the Kirklees Local Plan, Key Design Principle 1 of the House Extensions and Alterations SPD, Principle 2 of the Housebuilders Design Guide SPD and Government Policies contained within Chapters 12 and 16 of the National Planning Policy Framework.

2. The proposed flats, by reason of their limited internal floorspace and in the case of the proposed lower ground floor flat by failing to provide any outlook with limited access to natural light from habitable windows would result in a poor level of amenity for future occupiers and therefore provide unsuitable living conditions for future occupiers. This would be contrary to Policy LP24 (b) of the Kirklees Local Plan, Principle 16 of the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	Planning Portal Reference: PP-12602491v1	Unamended	05/12/2023
Existing Floor and Elevation Plan	Drawing no. SHAH-01-P1	P1	10/01/2024
Proposed Site Plan with 45 degree rule	Drawing no. SHAH.03	Unamended	10/01/2024
Proposed Elevation, Floor and Section Plans	Drawing no. SHAH-02-P2	P3	22/01/2024
Design, Access & Heritage Statement	Design, Access & Heritage Statement	Unamended	05/12/2023
Climate Change Statement	-	-	15/12/2023

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 considered the application on review and sought no amendments as the proposal could not be supported on heritage or residential amenity. The applicant was requested to allow an Extension of Time to consider the proposal more fully however did not agree this and the Officer proceeded to determination.

Development within a Coal Mining Area

DEVELOPMENT HIGH RISK AREA - INFORMATIVE NOTE

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

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 so that we can work on continually improving our customer service. Thank you.

Dated: 06-Mar-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 2023/62/93584/W.

If a paper copy of the decision notice or decided plans are required please email dc.admin@kirklees.gov.uk or telephone 01484 414746 with the application number. There may be a charge for this service.

All communications should be sent to one of the following address:

E-mail: dc.admin@kirklees.gov.uk

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