

Enquiries to: Joanna Rednall

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Raja Riaz  
15, Laurel Mount  
Heckmondwike  
WF16 9EF

Date: 21-Feb-2024  
Our Ref: 2024/90067

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990  
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND)  
ORDER 2015 – SCHEDULE 2, PART 1, CLASS A.1 (g)  
AT: 120, Northway, Mirfield, WF14 0LT  
Prior notification for single storey rear extension**

I refer to your submission of details relative to the proposed extension as described below for the above property and as submitted on 10-Jan-2024.

The proposal is for erection of single storey rear extension. The extension projects 6m beyond the rear wall of the original dwellinghouse. The maximum height of the extension is 4m, the height of the eaves of the extension is 3m

The Authority has considered your application and it has been determined that the proposal is not acceptable and prior approval is hereby **Refused** for the following reason(s);

It is considered that the proposed development would cause an unacceptable degree of harm to the amenities of the occupiers of the adjacent properties by reason of the proposed extension leading to overbearingness on the shared boundaries, loss of light and overshadowing. It is considered that the proposed development would cause an unacceptable level of harm to the amenities of neighbouring properties contrary to Kirklees Local Plan policy LP24 and chapter 12 of the National Planning Policy Framework.

This decision is based on the following details(s):-

<b>Plan Type</b>	<b>Web Reference</b>	<b>Version</b>	<b>Date Received</b>
Application form	1023830	-	10/01/2024
Location and Site Plans	1026765	-	10/01/2024
Elevations	1026766	-	29/01/2024

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 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 application was determined on the submitted information.

### **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](http://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](http://www.gov.uk/government/organisations/the-coal-authority)

## Appeals to the Secretary of State

If you are aggrieved by the decision of the Local Planning Authority to refuse details of the proposed development, you may appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990 within **twelve weeks** of the date of issue of this notice.

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 <https://www.gov.uk/appeal-planning-decision>. Further information on the Planning Appeal process can be found online at the Planning Inspectorates website <https://www.gov.uk/government/organisations/planning-inspectorate>.

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.

Please note, only the applicant possesses the right of appeal.

### Customer Feedback

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.

Yours faithfully

Mathias Franklin  
Head of Planning and Development