Planning (Listed Buildings and Conservation Areas) Act 1990

REFUSAL OF LISTED BUILDING CONSENT

Application Number: 2024/65/90915/E

To: John Cheetham,
John B Cheetham - Architect
24, Pollard Way
Gomersal
Cleckheaton
BD19 4PR

For: M Akhtar, Pakistan Muslim Association Madni Jamia Masjid

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 REPLACEMENT OF EXISTING TIMBER WINDOWS TO GROUND AND FIRST FLOORS (WITHIN A CONSERVATION AREA)

At: RASHID RABBANI MADNI JAMIA MASJID, NORTHGATE, DEWSBURY, WF13 1DZ

In accordance with the plan(s) and applications submitted to the Council on 28-Mar-2024. The reasons for the Council's decision to refuse consent for the development are:

The applicant has failed to demonstrate sufficient public benefits to outweigh the harm of replacing the windows and the justification submitted is not clear or convincing. The existing windows are historic and contain some high-quality detailing and stained glass. Most of them are highly prominent and make a strong contribution to the significance of the listed building. There is inadequate information within the application, repairs have not been assessed as an option, and historic glass is not incorporated into the proposed windows. The proposal will not preserve the building or features of architectural interest which it possesses. It therefore fails to accord with Policy LP35 of the Local Plan, paragraphs 205, 206 and 208 of the National Planning Policy Framework (NPPF) 2023 and Section 16 (2) and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Heritage Statement			3 April 2024
Design Statement			3 April 2024
East Elevation			3 April 2024
West Elevation			3 April 2024
North Elevation			3 April 2024
South Elevation			3 April 2024
Proposed Timber Windows – section and elevation			3 April 2024
Proposed window details			3 April 2024
Location Plan			3 April 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 applicant was approached regarding amendments to the application, but no further details were submitted. For the reason set out in the Reason for Refusal the development would cause less than substantial harm to the significance of the listed building.

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: **10-Sep-2024**

Signed:

David Shepherd
Executive Director for Place

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