

## **Planning Application Decision Notice**

**To:** Andrew Czerepaniak  
AC Design  
16, Longley Road  
Almondbury  
Huddersfield  
HD5 8JL

**For:** M BRAITHWAITE

### **Town and Country Planning Act 1990**

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

### **REFUSAL OF PERMISSION FOR DEVELOPMENT**

---

**Application Number: 2024/62/91010/W**

---

**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 RAISED FRONT DECK WITH CAR PORT UNDERNEATH,  
WIDEN VEHICLE ACCESS, STEPPED PEDESTRIAN ACCESS AND REMOVAL  
OF EXISTING DECK (WITHIN A CONSERVATION AREA)

**At:** 29, WAREHOUSE HILL ROAD, MARSDEN, HUDDERSFIELD, HD7 6AB

**In accordance with the plan(s) and applications submitted to the Council on 03-Jun-2024, except as amended or specified, details of which can be found in the table below. The reasons for the Council's decision to refuse permission for the development are:**

1. The development proposed due to design, massing, materials and prominent position, along with the increased expanse of hard surfacing and vehicular clutter, would appear as an isolated and incongruous visual intrusion in the locality, having a harmful impact upon visual amenity and historic character and appearance of the Marsden Conservation Area. The proposal would lead to less than substantial harm to the Conservation Area for which no public benefits are considered to outweigh the identified harm. The development proposed is considered contrary to Policies LP02, LP24a and LP35 of the Kirklees Local Plan, Key Design Principles 1 and 2 of the House Extensions and Alterations SPD, policies within Chapters 12 and 16 of the National Planning Policy Framework and the requirements of 72 (1) of the Planning (Listed Building and Conservation Areas) Act.

2. The layout of the proposed development, due to the close proximity of the proposed platform to no. 27 Warehouse Hill Road, would cause undue harm in terms of loss of privacy and overlooking to the sole private amenity space of this neighbour contrary to Policy LP24b) of the Kirklees Local Plan, Key Design Principle 3 of the House Extensions and Alterations SPD and Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Existing Location and Site Plans	300-004	Unamended	10/04/2024
Existing Elevation and Site Plans	300-001	Unamended	10/04/2024
Proposed Site Plan	300-003	Unamended	10/04/2024
Proposed Elevation Plans	300-002	Unamended	10/04/2024
Heritage Statement	Heritage Statement by Cavis3d Limited Job no. 2344. Date: May 2024	Unamended	03/06/2024
Climate Change Statement	-	-	03/06/2024

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 to determine whether the identified impacts of the proposal could be suitably mitigated by alterations to the design to have an improved relationship to visual amenity, heritage amenity and residential amenity. For the reasons given above, the proposal could not be amended to avoid harm to those and also could not provide public benefits to outweigh the harm to heritage assets. Therefore, the proposal was determined within expected target dates for Decisions.

#### **Site Notice**

- The application has been publicised by notice(s) in the vicinity of the site. Please would you now remove the notice(s) and responsibly dispose of 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 or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- As this is a decision for a householder application, if you want to appeal against your Local Planning Authority's decision then you must do so within 12 weeks of the date of this notice.
- 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) 12 weeks of the date of this notice,which ever period expires earliest.
- 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 Inspectorates 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.

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:** 29-Jul-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 Council Planning](#), and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2024/62/91010/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.

---

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

---