



Planning Application Decision Notice

To: Eloise Bray
Orange Design Studio
59A, Huddersfield Road
Mirfield
WF14 8AA

For: MR & MRS SAMRA

Town and Country Planning Act 1990

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

REFUSAL OF PERMISSION FOR DEVELOPMENT

Application Number: 2024/62/91835/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:-

DEMOLITION OF EXISTING REAR EXTENSION AND ERECTION OF
REPLACEMENT TWO STOREY REAR/SIDE EXTENSION, FIRST FLOOR
EXTENSION OVER EXISTING GARAGE AND ROOF LIFT WITH ASSOCIATED
WORKS

At: 45, CUMBERLAND AVENUE, FIXBY, HUDDERSFIELD, HD2 2JJ

In accordance with the plan(s) and applications submitted to the Council on 05-Jul-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 proposed development, due to the design, scale, boundary treatment and hard landscaping would be detrimental to the open character of the streetscene by way of infilling the gaps, appearing cramped within the plot. As such it would erode the sense of space between houses and green attributes which is a positive characteristic of the street-scene. This does not promote good design and is contrary to policy in the Kirklees House Extensions and Alterations Supplementary Planning Document, Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

2. The extensions, by way of height and scale, would have a detrimental impact to the host dwelling and streetscene, appearing incongruous and dominant, contrary to the Kirklees House Extensions and Alterations Supplementary Planning Document, Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. The south facing windows, by virtue of their proximity and outlook would lead to a reduction in privacy levels for the current and future occupants, in relation to 43 Cumberland Avenue. Should side facing windows be built in such close proximity, it would be detrimental to the residential amenity of neighbours which is contrary to Policy LP24 (b) of the Kirklees Local Plan, as well as Principle 3 & 4 of the Kirklees Extension & Alterations SPD and Paragraph 135 (f) of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location plan	(EX)002	Rev A	01 July 2024
Grouped plans and elevations – As existing	(EX)001	Rev A	01 July 2024
Grouped plans and elevations – Landscape and block plans	(20)002	Rev C	01 July 2024
Grouped plans and elevations – Proposed plans	(20)001	Rev E	01 July 2024
Climate change statement	-	-	01 July 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 Planning Authority has, 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.

Paragraph 1.11 of the House Extensions & Alterations Supplementary Planning Document specifies that, 'Proposals which depart from the guidance set out in this SPD will need to provide a full justification'. It is considered that the development significantly departs from the design principles outlined within the document and that overcoming the policies could not be achieved through amendments or justifications.

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

Digital Infrastructure: Fibre To The Property (FTTP)

Access to affordable and reliable broadband is necessary for Kirklees' residents, businesses, and visitors to take advantage of the growing digital economy and 'digital by default' services. Fibre optic cables direct to a property (FTTP) is the most reliable way of delivering high speed broadband connectivity and allows for gigabit internet speeds. Access to high quality digital infrastructure provides the foundations for, amongst other things:

- Economic prosperity – workforces that are digitally-literate enables business to thrive.
- Digital literacy – digital literacy and skills increase employability and people can exploit the internet for transactional, social, entertainment and learning purposes.
- New services – digital delivery can lower costs and provide innovative public and health services more conveniently.

It is therefore advised that digital infrastructure, including FTTP, and its benefits for the development be considered from the earliest feasible stage. Methods include working with Internet Service Providers to install digital infrastructure alongside other utilities or providing pre-infrastructure allowing for speedier installation at a later date.

Note: The provision of fibre infrastructure is often available from certain telecommunications providers free of charge for development over a certain scale, provided that sufficient notice is given. Notice periods are typically at least 12 months prior to first occupation. In some cases, providers may request a contribution from the developer.

Note: Where no telecommunications provider has been secured to provide fibre infrastructure by the time of highway construction, it is advised that additional dedicated telecommunications ducting is incorporated alongside other utilities to enable the efficient and cost effective provision of fibre infrastructure in the future.

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

Dated: 21-Aug-2024

Signed:



David Shepherd
Executive Director for Place

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 2024/62/91835/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
