



**Town and Country Planning Act 1990**

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

**REFUSAL OF PERMISSION FOR DEVELOPMENT**

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**Application Number: 2024/62/92063/W**

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**To:** Bradley Stankler Planning  
Hilltop  
Grange Court  
Leeds  
LS17 7TX

**For:** M Gillam

**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:-**

CONVERSION AND EXTENSION OF DWELLING TO FORM 8 APARTMENTS  
(WITHIN A CONSERVATION AREA)

**At:** 45A, ST HELEN'S GATE, ALMONDBURY, HUDDERSFIELD, HD4 6SG

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**In accordance with the plan(s) and applications submitted to the Council on 29-Jul-2024. The reasons for the Council's decision to refuse permission for the development are:**

1. The proposed three storey and two storey extensions, by reason of their design, scale, massing and siting, would fail to be subservient to the original dwelling and would appear as incongruous additions to the host building, having a harmful impact upon the character and appearance of the dwelling and the character of the wider streetscene. The proposal would therefore be contrary to Policies LP1, LP2, LP24 & LP57(d) of the Kirklees Local Plan, policies within Chapter 12 of the National Planning Policy Framework and Principles 2, 13 and 14 of the Housebuilders Design Guide SPD.

2. The prominent location of the proposed three-storey extension and its size, scale and design, in conjunction with the other works proposed to the dwelling, would present a cumulatively harmful impact upon the heritage significance of the host property, setting of the Grade II Listed Buildings and the surrounding Almondbury Conservation Area. No public benefits to outweigh this harm have been identified or are considered to exist more generally. The development would therefore be contrary to Policy LP35 of the Kirklees Local Plan and Policies within Chapter 16 of the National Planning Policy Framework.
3. The proposed development would lead to a harmful level of overlooking as a result of the proposed layout of habitable room glazing to the front elevation of No. 45a, which would be elevated at ground floor level and project forward of the principal elevation, resulting in overlooking of habitable room glazing in the side elevation of No. 53 St Helens Gate and associated private amenity space contrary to Policy LP24 of the Kirklees Local Plan, policies within Chapter 12 of the NPPF and Principle 6 of the Housebuilders Design Guide SPD.
4. The proposed two-bedroom apartments on the ground and first floor, with one double and one single bed, would present poor standards of amenity for future occupiers, by reason of their size, with the gross internal floor area falling short of the minimum standards as set out in the Nationally Described Space Standards. Therefore, the development would be contrary to Policy LP24(b) of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and principles 16 of the Council's Housebuilders Design Guide.
5. As a result of the access, parking, visibility, and turning arrangements the development would lead to cramped and difficult turning manoeuvre into and out of parking spaces, increased parking demand upon St Helens Gate and see difficult turning manoeuvres whereby visibility to St Helens Gate is poor in both directions with intensification of this access having a harmful impact. The proposed access, parking, visibility, and turning arrangements and intensification of the access would have a harmful impact upon access and highway safety and parking failing to comply with Local Plan Policies LP21 and LP22, principles 12 and 13 of the Housebuilders Design Guide SPD and the policies contained within the National Planning Policy Framework.
6. As a result of the proximity of the balcony to a protected tree the development would threaten the viability of this tree, which is of significant amenity, resulting in future pressure to fell this tree. This would ultimately lead to a high likelihood of tree loss to the detriment of the visual amenity of the locality. This would be contrary to Policies LP2, LP24 and LP33 of the Kirklees Local Plan and Policy within Chapter 12 of the National Planning Policy Framework.
7. Based on the conclusions of the submitted Preliminary Ecological Appraisal, insufficient information has been provided insofar that a further phase two bat survey is required to be submitted, to assess the presence / likely absence of bats. In the absence of this information a full and proper assessment in light of policy LP30 of the Kirklees Local Plan and policies contained within Chapter 15 of the National Planning Policy Framework is able to be undertaken.

Plans and Specifications Schedule: -

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	003/001	-	23.07.24
Existing First Floor Plan	003/012	-	23.07.24
Existing Ground Floor Plan	003/011	-	23.07.24
Existing Lower Ground Floor Plan	003/010	-	23.07.24
Development Plan	003/001	A	23.07.24
Parking Layout	/01	-	23.07.24
Proposed Elevations	003/017	-	23.07.24
Proposed First Floor Plan	003/016	-	23.07.24
Proposed Ground Floor Plan	003/015	-	23.07.24
Proposed Lower Ground Floor Plan	003/014	-	23.07.24
Existing Elevations	003/013	-	23.07.24
Design and Access Statement	-	-	23.07.24
Heritage Supporting Statement	-	-	23.07.24
Aboricultural Report & Impact Assessment	AWA6111	-	23.07.24
The Statutory Biodiversity Metric	-	-	23.07.24
Aboricultural Report	AWA5994	-	23.07.24
Preliminary Ecological Appraisal (PEA) Survey Report	SQ-1987	-	23.07.24
Climate Change Statement	-	-	30.07.24

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.

In this instance, the case officer did not enter into negotiations with the applicant or planning agent, as it was concluded that, no amendments could be sought or submitted to overcome the concerns raised, within the remit of the original description of proposal.

### **Development within a Coal Mining Area**

#### **DEVELOPMENT LOW RISK AREA – STANDING ADVICE**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://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](mailto:dc.admin@kirklees.gov.uk) so that we can work on continually improving our customer service. Thank you.

**Dated:** 23-Sep-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 Planning Website](#), by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2024/62/92063/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.

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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

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