



Town and Country Planning Act 1990

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

REFUSAL OF PERMISSION FOR DEVELOPMENT

Application Number: 2024/62/92548/W

To: Nadeem Hussain,
Architectural Planning Service
16, Lemon Street
Halifax
HX1 4LJ

For: M Amir

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:-

CHANGE OF USE OF DWELLING TO 7 BED HOUSE OF MULTIPLE
OCCUPATION INCLUDING ERECTION OF 3 STOREY EXTENSION AND
ASSOCIATED ALTERATIONS'

At: 40, BRADFORD ROAD, FARTOWN, HUDDERSFIELD, HD1 6JE

In accordance with the plan(s) and applications submitted to the Council on 11-Nov-2024. The reasons for the Council's decision to refuse permission for the development are:

1. The proposed three storey extension, by reason of its design, scale and massing, would fail to be subservient to the original dwelling and would appear an incongruous addition to the host dwelling, which would, in turn, harm the character and appearance of the dwelling and the character of the wider street scene. The proposal would therefore be contrary to Policy LP24 (a) and (c) of the Kirklees Local Plan, guidance as set out within the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

2. The proposed three storey extension, by virtue of its scale, design and siting in relation to shared boundaries and neighbouring dwellings, would lead to a detrimental level of overshadowing and overbearing towards No.'s 38 and 42 Bradford Road and would lead to a detrimental level of overlooking to the dwellings of No.'s 17a and 19 Calton Street, as well as to their outdoor amenity spaces. Therefore, the proposal would fail to ensure an acceptable standard of amenity for existing occupiers of these neighbouring dwellings contrary to Policy LP24 of the Kirklees Local Plan, guidance as set out within the Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework.

3. The proposed development would present poor standards of amenity for future occupiers, by reason of the size of bedrooms two and four. Therefore, the development would be contrary to Policy LP24(b) of the Kirklees Local Plan, guidance as set out within the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

Plans and Specifications Schedule: -

Plan Type	Reference	Version	Date Received
Location Plan	PP-13389083v1	-	09.09.2024
Existing Front / Rear Elevation	001-EX-01001AMI	0	09.09.2024
Existing Side Elevation	002-EX-01002AMI	0	09.09.2024
Existing Side Elevation	003-EX-01003AMI	0	09.09.2024
Existing Roof Plan	005-EX-01005AMI	0	09.09.2024
Existing Floor Plans	004-EX-01004AMI	0	09.09.2024
Existing Front / Rear Elevation	001-PP-01001AMI	0	09.09.2024
Existing Side Elevation	003-PP-01003AMI	0	09.09.2024
Proposed Side Elevation	002-PP-01002AMI	0	09.09.2024
Proposed Roof Plan and Location Plan	005-PP-01005AMI	0	09.09.2024
Existing and Proposed Block Plans Scale 1/500	0007 BLOCK	0	04.11.2024
Proposed Floor Plans	004 PPD-0100101AMI	0	28.01.2025
Climate Change Statement	-	-	30.09.2024
Coal Mining Risk Assessment by Earth Environmental & Geotechnical	A6303/24/CMRA	-	01.11.2024
Consultants Coal Mining Report by	A6303	-	01.11.2024

The Coal Authority			
Flood Risk Assessment for Proposed Development	2024/92548	-	11.11.2024

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 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.

During the course of the application, the case officer raised concerns with the planning agent / applicant, to address the concerns raised within the KC LLFA consultation and concerns regarding residential amenity as a result of the proposal.

In response to the case officer's recommendations, the planning agent / applicant submitted revised floor plans, removing bedrooms from the basement level and instead proposing a shared kitchen and dining area and 2 store rooms to this level.

As a result of these negotiations and the amendments received, the description of proposal was altered accordingly, removing reference to the originally proposed 10 bed HMO and instead setting out that permission is sought for a 7 bed HMO. The submitted amendments were not concluded to sufficiently overcome all concerns raised and the application has therefore been processed on the basis of the amended plans submitted.

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 Mining Remediation 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 Mining Remediation 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 a suitable engineering design which takes account of all relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Mining Remediation Authority Policy in relation to new development and mine entries available at:

[Building on or within the influencing distance of mine entries - GOV.UK](#)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation 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. Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at: <http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>
[What is a permit and how to get one? - GOV.UK \(www.gov.uk\)](http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property)

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required. Further information regarding Incidental Coal Agreements can be found here - <https://www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements>

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Mining Remediation Authority on 0800 288 4242. Further information is available on the Mining Remediation Authority website at: [Mining Remediation Authority - GOV.UK](http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property)

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

Dated: 31-Jan-2025

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 2024/62/92548/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
