

**KIRKLEES METROPOLITAN COUNCIL  
INVESTMENT & REGENERATION SERVICE**

**DEVELOPMENT MANAGEMENT**

**Town and Country Planning (General Permitted Development) (England)  
Order 2015 - Schedule 2, Part 1, Class A.1 (g) Condition A.4**

**DELEGATED DECISION FOR DISCHARGE OF CONDITION A.4 -  
NOTIFICATION OF A PROPOSED ENLARGEMENT TO DWELLINGHOUSE**

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| Reference no.        | <b>2018/HH/91400/E</b>   |
| Site Address         | <b>186, Commonside, Hanging<br/>Heaton, Batley, WF17 6EB</b>   |
| Description          | <b>The proposal is for erection of<br/>single storey rear extension. The<br/>extension projects 6m beyond the<br/>rear wall of the original<br/>dwellinghouse. The maximum<br/>height of the extension is 4m, the<br/>height of the eaves of the<br/>extension is 2.5m</b> |
| Recommending Officer | <b>Hannah Thickett</b>   |

**DECISION – PRIOR APPROVAL GRANT**

**I hereby authorise the approval of this application for the reasons set  
out in the officer's report and recommendation annexed below in  
respect of the above matter.**

Kevin Walton

***AUTHORISED OFFICER***

**Date: 05-Jun-2018**

## OFFICER RECOMMENDATION

### DISCHARGE OF CONDITION A.4 , SCHEDULE 2, PART 1, CLASS A GENERAL PERMITTED DEVELOPMENT ORDER

#### 1. Procedural Matters

Prior notifications for the erection of single storey rear extensions to dwellings are considered against the requirements as set out by the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) Schedule 2, Part 1, Class A, condition A.4.

Proposals pursuant to Class A are permitted subject to limitations set out in paragraph A.1 and in the case of Class A.1 (g) subject to the discharge of condition A.4. This proposal relates to development pursuant to Class A where condition A.4 is engaged and for the purposes of this assessment only the limitations for Class A.1 (g) and requirements condition A.4 are considered. Other limitations within Class A are not considered other than where, in the opinion of the Local Planning Authority, the development does not comply with the limitations within Class A of the Order. Ultimately the responsibility to ensure the development is carried out in full accordance with any planning permission rests with the applicant or property owner/occupier.

#### Limitations for Class A.1(g) Development

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| Is the site within a Conservation Area, Article 4 or SSI area?   | No  |
| Is any part of the proposal clearly outside the curtilage of the dwellinghouse?  | No  |
| If the house is detached and from the information submitted, does the extension extend more than 8 metres from the rear of the original dwellinghouse?     | N/a |
| If the house is not detached and from the information submitted, does the extension extend more than 6 metres from the rear of the original dwellinghouse? | No  |
| Does the proposal exceed 4 metres in height?   | No  |
| Have permitted development rights been removed from the property?  | No  |

## Condition A.4

As part of the notification procedure, the Local Planning Authority notify owners or occupiers of adjacent premises of the proposed development by serving notice and allowing 21 days for objections to be made. The Local Authority shall take into account any representations made as a result of the notice given.

Consultation start date : 27-04-18

Consultation end date : 18-05-18

### **1. Objections**

One representation has been made in objection to the proposal. As a summary to the objections the key points that have been raised are:

- Loss of light to both indoor and outdoor amenity space
- Only one other extension in the row which is have the size of proposed
- Materials not specified
- May deter potential future buyers

These will be assessed and set out in the report below.

### **2. Assessment**

#### **Site Description**

186 Commonside is a two storey property. The dwelling is constructed from natural stone. The site benefits from a small paved area to the front which is enclosed by a stone wall and railings. To the rear there is a reasonably sized area of hardstanding. There is a shared access to the rear of the property between 186 and 180/184. Many of the properties on Commonside remain as back to back houses with a few having been converted into a singular dwelling, 186 Commonside is now one dwelling. The adjoining 188 is also a single dwellinghouse.

#### **Development Description**

The proposal is for erection of single storey rear extension. The extension projects 6m beyond the rear wall of the original dwelling

house. The maximum height of the extension is 4m; the height of the eaves of the extension is 2.5m.

### **Permitted Development Rights**

Firstly, assessing the proposal it is considered to satisfy all permitted development rights as the extension projects 6m beyond the rear wall, the maximum height is 4m and the height of the eaves is 2.5m. The local planning authority has no reason to believe the extension exceeds the limitations stated within Class A, Schedule 2, Part 1 of the (General Permitted Development) (England) Order 2015 (as amended).

### **Assessment**

The guidance published with respect to Notification of a proposed larger home extension states that *“If any adjoining neighbour raises an objection within the 21 day period, the local authority will take this into account and make a decision whether the impact on the amenity of all adjoining neighbours is acceptable”*.

One of the 12 core principles of the National Planning Policy Framework requires that Planning should *“always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”*

The local development plan for Kirklees, the Unitary Development Plan requires development on unallocated land to be assessed with respect to policy D2 and developments to domestic properties is assessed with respect to policy BE14.

D2 is a general development policy which requires that all developments on land which is unallocated within the plans does not prejudice residential amenity.

BE14 is a domestic extension policy which also requires that the impact on residential amenity is considered.

PLP24 of the proposed draft local plan also aims to achieve good quality design minimising impact upon amenity.

A site visit has been carried out to consider the impact on the amenities of the neighbouring properties as an objection has been received. The concerns raised included the impact on the neighbour in terms blocking

and loss of light by the proposed extension to residential amenity space. The concerns raised are material considerations which shall be addressed below.

It is considered that the proposed extension would give rise to some impact to the amenity of the adjoining property at 188 as a result of the 6m single storey extension. Whilst it is considered that the extension would cause the blocking of some light to the amenity space of no. 188 during late afternoon and evening hours, the extension proposed does have a limited height. The amenity space to the rear of 188 is of reasonable proportions, rising towards the rear boundary and would therefore continue to benefit from sunlight to a large degree. It is considered that the proposal does not give rise to significant level of harm that would warrant a refusal of the scheme. On balance any loss of light or massing on the boundary is not considered to unduly impact upon the visual or residential amenity of the neighbouring property and therefore in accordance with policy D2 and BE14 of the UDP and PLP 24 of the DPLP.

The submitted plans do not show whether there are windows to be included within the side elevations. Given concerns raised in the objection and the close proximity of the neighbouring properties on the boundary, it would be reasonable to add a condition removing permitted development rights for windows in the side elevation.

The adjacent neighbour to the west at 184 Commonside benefits from a modest separation distance on the boundary created by a shared access to the rear. The separation together with the single storey nature of the proposed extension is such that there would be limited harm caused to the amenities of the occupiers of the neighbouring 184 Commonside. It is not considered to the proposed extension would unduly impact upon the visual or residential amenity of the neighbouring property and therefore in accordance with policy D2 and BE14 of the UDP and PLP 24 of the DPLP.

Whilst it is noted that the row of properties on Commonside do not hold a precedence for rear extensions, this cannot be a reason for refusal. The impact of the extension proposed on this application on the neighbouring properties, either side of 186, has been assessed above.

Concerns raised in the objection received highlights the plans do not show specific materials. The Town and Country Planning (General Permitted Development) Order 2015 Schedule 2 Part 1 Class A.3 (a) conditions materials used in any exterior work (other than materials

used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

The comments made in the objection regarding hindering of the sale of neighbouring properties or devaluation of property is not a material planning consideration that can be assessed under this application.

Given the existing arrangements on and around the site, it is considered that the proposal is acceptable in terms of the impact on amenity. The proposal is acceptable and consistent with the aims of local and national policy contained within the Unitary Development Plan, the draft Local Plan and National Planning Policy Framework and is therefore recommended that the prior notification details are approved.

### 3. **Recommendation**

Details approved

### 4. **Conditions**

1. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development)(England)Order 2015(as amended) (or any order revoking or re-enacting that Act or Order with or without modification) no new door or window openings shall be constructed in the external side walls of the extension at any time.

**Reason:** So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy BE14 of the Kirklees Unitary Development Plan and Policy PLP24 of the Publication Draft Local Plan.

**Report Dated:**

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| 05/06/2018 |
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