

KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

**Town and Country Planning (General Permitted Development) (England)
Order 2015(as amended) - Schedule 2, Part 1, Class AA, Condition
AA.2(3)**

DELEGATED DECISION FOR DISCHARGE OF CONDITION AA.2(3) - NOTIFICATION OF ENLARGEMENT OF A DWELLINGHOUSE BY CONSTRUCTION OF ADDITIONAL STOREYS

Reference no.	2021/CL/90160/W
Site Address	23, White Wells Gardens, Scholes, Holmfirth, HD9 1TZ
Description	Prior approval for enlargement of dwellinghouse by erection of additional storey
Recommending Officer	Laura Yeadon

DECISION – DETAILS APPROVED

**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:16-Mar-2021

Notwithstanding the submitted details, the development approved does not extend to the two rooflights on the west facing roof slope as shown on drawing number 20.040(2-)002 Rev A.

Reason: In order to comply with the requirements of the General Permitted Development Order 2015, Schedule 2, Part 1, Class AA, Condition 3.

NOTE The proposed first floor extension over the existing garage, the ground floor front extension and proposed landscaping details as shown on drawing number 20.040(2-)002 Rev: A do not form part of this application.

NOTE: The Council's GIS system indicates that a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			18 th January 2021
Location plan, existing site plan and existing elevations and floor plan	20.040(2-)001		18 th January 2021
Proposed site plan, proposed elevations and floor plans	20.040(20)002 Rev: A		4 th February 2021
Existing and proposed site section	20.040(2-)002		4 th February 2021

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

Officer Report

Site: 23 White Wells Garden, Scholes, Holmfirth, HD9 1TZ

Development: Prior approval for enlargement of dwellinghouse by erection of additional storey

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021/90160>

1) Summary

- 1.1 The application seeks prior approval of development pursuant to Class AA, Part 1 of Schedule 2 of the Town and Country Planning

(General Permitted Development)(England) Order 2005 (as amended) [GDPO].

2) The site

2.1 The subject building is a detached two storey with a single storey attached garage to the side. Garden areas are located to the front and rear of the property. The existing dwelling is height of 7.5 metres and depth of 7.7 metres with a pitched roof.

2.2. There are residential properties surrounding the site which form the wider cul-de-sac which are of a similar age and matching construction materials.

3) Proposed development

3.1 It is proposed to add an additional storey to the existing building. The drawings indicate that the eaves height and overall height would be raised to correspond with the same roof angle as existing.

3.2 The plans show that openings would be located in the front and rear elevations of the building with 2 no. roof lights within the side elevation roof slope.

3.3 The proposed construction materials would match the existing.

4) Site history

4.1 2021/90169 Erection of first floor extension and single storey side extension

Under consideration – not yet determined

5) Policy

National Planning Policy Framework

Chapter 12 – Achieving well designed places

Kirklees Local Plan

LP24 – Design

6) Representations

6.1 Publicity date ended 25th February 2021 – 8 representations received with the following being a summary of representations:

- Would be the only 3 storey property on the whole street spoiling the uniformity and character of the cul-de-sac
- Previous extensions have fitted in with aesthetics of the street and opinion of neighbours taken into consideration
- Proposed plan to move the driveway would create congesting and turning problems
- Proposed new drive would spoil the aesthetically pleasing layout
- Reduction of sunlight and daylight to front and rear garden to neighbouring property
- Addition tier would result in overlooking
- Creates lack of privacy
- Neighbouring property approx. 1.3 metres lower
- May set a precedent
- Insufficient off street parking for size of house
- Builders vehicles would be an obstruction for months
- Too big for the plot
- Loss of light to No. 25 and is already higher than No. 25 with the land sloping away at the back making the effect even bigger

6.2 In response the Agent has submitted further information which is summarised below:

- In terms of representations, the only matter the LPA can assess is “ *the impact on the amenity of neighbouring premise including overlooking, privacy and overshadowing*”
- Overlooking – no change from existing
- Overshadowing – images submitted demonstrating the shadow path and various times of the year
- There is a mature shrub hedge that would have more effect on the amount of shadow to the garden than the resulting building
- Relocation of the integral garage is due to the existing being close to an awkward bend which reduces visibility when reversing out of the drive and therefore the change will improve road safety
- Relocation of the drive will also reduce the potential for on road parking in the rear opposite the private drive leading to the properties to the south in this and would represent an improvement

7) Site visit

7.1 – No – Imagery held by the LPA including photographs and Google imagery is considered sufficient to assess the impact of the development

8) Permitted Development

8.1 Based on the records available permitted development rights have not been removed via any conditions attached to earlier planning applications.

8.2 Class AA, Part 1 of the GDPO provides a deemed planning permission with additional stories to a dwellinghouse subject to limitations and conditions. With regard to the limitations set out in paragraph AA.1 (a)-(k) it is considered the proposed development accords within the limitations.

8.3 Class AA.2 of the GDPO requires conditions are satisfied and in particular condition (3) requires prior approval is obtained before beginning the development.

8.4 Criteria for prior approval are:-

- (i) *impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light;*
- (ii) *the external appearance of the dwellinghouse including the design and architectural features of-*

(aa) the principal elevation of the dwellinghouse, and

(bb) any side elevation of the dwellinghouse that fronts a highway

- (iii) *air traffic and fence asset impacts of the development; and*
- (iv) *whether, as a result of the siting of the dwellinghouse, the development will be impacted on an protected view identified in the Directions Relating to Protected Vistas dated 14th March 2012(a) issued by the Secretary of State:*

8.5 These matters are assessed below.

9. Assessment

9.1 Condition for prior approval seeks to provide limited protection in terms of existing visual and residential amenity. This is more or less consistent with Kirklees Local Plan policy LP24 and NPPF chapter 12 which aims to high standards of design and amenity. It is noted that a first floor extension over the existing garage is proposed, as is a ground floor front elevation extension and alterations to the existing site layout. These are not matters for consideration as part of this application. This application is to solely determine whether the extension over the main body of the property complies with current legislation.

- (i) impact on amenity

9.2 The proposed extension will add bulk to the existing dwellinghouse resulting in an increase of 1.8 metres in overall height thus adding an additional storey to the property. The surrounding dwellings are two storey dwellings and due to the topography of the area, the heights of the roofs vary.

9.3 The increase in height would be above the existing body of the property with the adjacent neighbours being to the north and east. Officers consider that raising the ridge and eaves of the dwelling by 1.8 metres would not result in a significant increase in the loss of light due orientation and height of the existing building. Moreover, the increase of 1.8m in height, while adding bulk to the building is not considered to impact upon the garden of the property to the east given the dwellings are adjacent and not adding massing that would impose on the use of the garden.

9.4 New openings would be introduced within the extended section of the building however as there are window openings at first floor in the dwelling at present, the new windows would not offer any significant effects that would lead to any loss of privacy or overlooking into neighbouring gardens.

9.5 There are no neighbours within close proximity of the front elevation of the property that would be significantly impacted on by the proposed development.

9.6 It is appreciated that there are noise implications and disruption which would be unavoidable during construction. However this is a transient effect which is not considered to be a reason to refuse the proposal. Moreover, condition AA2.(3) (b) requires the development to provide a report on how construction noise, dust, vibration and traffic will be mitigated on adjoining owners or occupiers.

9.7 It is therefore considered that the proposed development accords with the aims of the regulations within the GDPO in terms of the impact on residential amenity and therefore complies with Policy LP24 and chapter 12 of the NPPF.

(ii) The external appearance of the building

9.8 The proposed development adds an additional storey to an existing two storey dwellinghouse within a relatively modern housing site which have dwellings with varying designs but matching construction materials. There is no doubt that an additional storey would introduce a unique feature within the area which in turn would affect the character of the

predominately two storey character of the surrounding dwellings. However, the procedure of Class AA limit what the Local Planning Authority can consider to the appearance and makes no specific mention of any requirement to consider the character of the surrounding and wider area in relation to scale. The principle of the scale has already been established through the principle of development in the GDPO.

9.9 In terms of the impact of the scheme on the external appearance of the principal elevation of the property. In this instance, this would result in openings being included within the second storey of the property. These would be aligned with the openings at first floor and therefore considered acceptable and consistent with Local Plan Policy LP24 and advice within the NPPF.

9.10 The side elevation of the property would also face a highway the therefore also is required to be considered. The proposed side elevation contains no openings other than rooflights within the roofspace. Condition AA.1(b) states that*"the development must not include a window in any wall or roof slope forming a side elevation of the dwellinghouse;"*. As such, a condition can be attached to the decision notice omitting these details.

Air traffic and defence asset impacts of the development

9.11 The additional storey is not considered to impact upon any flight paths or cause any distraction to aircraft within the vicinity.

Directions Relating to Protected Vistas dated 15th March 2012 (a)

9.12 There are no Directions relating to protected vistas.

10. Recommendation

10.1 The proposed development is acceptable in terms of limited remit to consider visual and residential amenity allowed by the GDPO and as such prior approval is recommended.

11. Response to representations

- Would be the only 3 storey property on the whole street spoiling the uniformity and character of the cul-de-sac

Response: The impact of the scheme on the character of the area cannot be considered as part of this application

- Previous extensions have fitted in with aesthetics of the street and opinion of neighbours taken into consideration

Response: This application is not a planning application and therefore there are only limited matters that can be taken into consideration

- Proposed plan to move the driveway would create congesting and turning problems

Response: This cannot be considered as part of this application

- Proposed new drive would spoil the aesthetically pleasing layout

Response: This cannot be considered as part of this application

- Reduction of sunlight and daylight to front and rear garden to neighbouring property

Response: This has been considered as part of this application

- Addition tier would result in overlooking

Response: This has been considered as part of this application

- Creates lack of privacy

Response This has been considered as part of this application

- Neighbouring property approx. 1.3 metres lower

Response: Noted

- May set a precedent

Response: This cannot be considered as part of this application

- Insufficient off street parking for size of house

Response: This cannot be considered as part of this application

- Builders vehicles would be an obstruction for months

Response: Condition AA2.(3) (b) requires the development to provide a report on how construction noise, dust, vibration and traffic will be mitigated on adjoining owners or occupiers.

- Too big for the plot

Response: This cannot be considered as part of this application

- Loss of light to No. 25 and is already higher than No. 25 with the land sloping away at the back making the effect even bigger

Response: This has been considered as part of this application

12. Decision notice

12.1 In addition to the considered stated in paragraph AA.2 of Class AA, prior approval is granted subject to the following conditions:

Notwithstanding the submitted details, the development approved does not extend to the two rooflights on the west facing roof slope as shown on drawing number 20.040(2-)002 Rev:A.

Reason: In order to comply with the requirements of the General Permitted Development Order 2015, Schedule 2, Part 1, Class AA, Condition 3.

NOTE The proposed first floor extension over the existing garage, the ground floor front extension and proposed landscaping details as shown on drawing number 20.040(2-)002 Rev: A do not form part of this application.

NOTE: The Council's GIS system indicates that a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

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Existing and proposed site section	20.040(2-)002		4 th February 2021

Report Dated: 15th March 2021

