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/91264/W**
Site Address	**2, Highgate Lane, Lepton, Huddersfield, HD8 0HA**
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:26-May-2021

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
Location plan, site plan and layout	(20)002		26th March 2021
Existing and proposed elevations	(20)001 Rev: A		25th May 2021

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 potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place.

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is submitted alongside any subsequent application for Building Regulations approval (if relevant).

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

Officer Report

Site: 2, Highgate Lane, Lepton, Huddersfield, HD8 0HA

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=2021/91264

1) Summary

1.1 The application seeks prior approval of development pursuant to Class AA, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2005 (as amended) {[GDPO].

2) The site

2.1 The building is a detached single storey dwelling with a single storey lean-to garage to the side. There are garden areas to the front and rear of the property. The existing main body of the dwelling (excluding the garage) is 12.3 metres, depth of 13.5 metres and has an overall height of 5.6 metres.

2.2 Residential properties are located to the north, east and west with the land to the rear being a large expanse of Urban Greenspace. The neighbouring properties vary in terms of size, scale, design and 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 demonstrate that openings would be located within the front and rear elevations with no proposed additional openings within either side elevation of the property.

3.3 The submitted application form indicates that the proposed construction materials would match.

4) Site history

4.1 None

5) Policy

National Planning Policy Framework

Chapter 12 – Achieving well-designed places

Kirklees Local Plan

LP24 – Design

6) Representations

6.1 Publicity end date: 19th April 2021 – no representations received.

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 proposed 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 with 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 amenity of any adjoining premises including overlooking, privacy and 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 impact on a protected view identified in the Directions Relating to Protected Vistas dated 14th March 2012 (a) issued by the Secretary of State:

9) Assesmment

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 seek high standards of design and amenity. it is noted that a first floor extension is proposed over the main living accommodation of the property which includes both the front and rear gables.

(i) Impact on amenity

9.2 The proposed extension will add bulk to the existing dwellinghouse resulting in an increase of 2.4 metres in overall height thus addition an additional storey to the property. The surrounding properties are a mixture of house types and design and on differing ground levels and therefore, the heights of the roofs vary.

9.3 The increase in height would be slightly higher than adjacent neighbour to the east, as shown on plan, however the property to the west is not shown on plan but is a dormer bungalow set on a lower ground level. Officers consider that raising the ridge and eaves of the dwelling by 2.4 metres would not result in a significant increase in the loss of light due to orientation, separation and height of the existing building. Moreover, the increase of 2.4 metres in height, whilst adding bulk to the building is not considered to impact upon the garden of the either neighbouring property and the massing is not considered to cause significant harm to the garden areas of either property.

9.4 New opening would be introduced within the extended section of the building however there would be no decrease in separation distances and the new windows would not offer any significant effects that would lead to any loss of privacy or overlooking of neighbouring gardens.

9.5 The dwellings facing the application site would retain a separation distance of approximately 24 metres which are not considered to be significantly impacted upon and there are no properties within close proximity of the rear elevation which would be harmed.

9.6 It is appreciated that there are noise implications and disruption which would be unavoidable during construction. However this is 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 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 single storey dwellinghouse within an area with a variety of different styles of property and construction materials. Adding additional bulk to a building would affect the character of the surrounding area however the procedure of Class AA limit what the Local Planning Authority can consider to the appearance and makes no mention of any requirement

to consider the character of the surrounding and wider are 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 additional storey of the property. These would be aligned with the openings at ground floor and therefore considered to be acceptable and consistent with Local Plan Policy LP24 and advice within the NPPF.

(iii) Air traffic and defence asset impacts of the development

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

(iv) Directions relating to Protected Vistas dated 15th March 2021 (a)

9.11 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

11.1 No representations have been received.

12) Decision notice

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Report Dated: 25th May 2021