

Prior Approval for Proposed Development at
The Meadows,
154 Gomersal Lane,
Little Gomersal,
BD19 4JQ

- **Introduction**

We refer to the attached prior approval application submitted on behalf of Mr Brocklehurst and Ms Davis for the proposed enlargement of a dwellinghouse by construction of additional storeys at The Meadows, 154 Gomersal Lane, Little Gomersal, BD19 4JQ. This application is made under Class AA, Schedule 2, Part 1 of the Town & Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020. Permitted development under Class AA includes the following:

- (a) up to two additional storeys, where the existing dwellinghouse consists of two or more storeys; or
- (b) one additional storey, where the existing dwellinghouse consists of one storey, immediately above the topmost storey of the dwellinghouse, together with any engineering operations reasonably necessary for the purpose of that construction.

- **Relevant Planning History**

16th February 2021 – (2021/62/90299/E) – Demolition of existing dwelling and erection of detached dwelling with integral garages – Undecided.

- **Class AA Permitted Development**

The property is a single storey detached dwellinghouse. The proposed development of one additional storey would extend across the entire length and width of the existing dwelling.

The reasons the proposal is considered to be permitted development are as follows, dealing with each of the conditions/restrictions in Class AA:

AA.1. Development is not permitted by Class AA if –

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, O, P, PA or Q of Part 3 of this Schedule (changes of use);

The building has always been recognised as a dwellinghouse since its original completion.

(b) the dwellinghouse is located on – (i) article 2(3) land; or (ii) a site of special scientific interest;

The dwellinghouse is not located on article 2(3) land or on a site of special scientific interest as demonstrated on the Kirklees Local Plan.

(c) the dwellinghouse was constructed before 1st July 1948 or after 28th October 2018;

The dwellinghouse is known to be constructed between 1976 and 1984. All historical OS maps show that there to be no building in this location prior to 1976.

(d) the existing dwellinghouse has been enlarged by the addition of one or more storeys above the original dwellinghouse, whether in reliance on the permission granted by Class AA or otherwise;

The existing dwellinghouse is currently single storey and has not therefore been enlarged by the addition of one or more storeys above the original dwellinghouse.

(e) following the development the height of the highest part of the roof of the dwellinghouse would exceed 18 metres;

Following the development the height of the highest part of the roof from ground level would be approximately 8.5 metres.

(f) following the development the highest part of the roof of the dwellinghouse would exceed the height of the highest part of the roof of the existing dwellinghouse by more than –

(i) 3.5 metres, where the existing dwellinghouse consists of one storey;

(ii) 7 metres, where the existing dwellinghouse consists of more than one storey;

The existing dwellinghouse consists of one storey. Following development the highest part of the roof of the dwellinghouse would exceed the height of the highest part of the existing dwellinghouse by 3.4 metres.

(g) the dwellinghouse is not detached and following the development the height of the highest part of the roof would exceed by more than 3.5 metres –

(i) in the case of a semi-detached house, the height of the highest part of the roof of the building with which it shares a party wall (or, as the case may be, which has a main wall adjoining its main wall); or

(ii) in the case of a terrace house, the height of the highest part of the roof of every other building in the row in which it is situated;

Not applicable as the dwellinghouse is detached.

(h) the floor to ceiling height, of any additional storey, measured internally, would exceed the lower of –

(i) 3 metres; or

(ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing dwellinghouse;

The floor to ceiling height measured internally in the existing dwellinghouse is 2.55 metres. The floor to ceiling height of the proposed development is 2.55 metres.

(i) any additional storey is constructed other than on the principal part of the dwellinghouse;

The additional storey would be constructed on the principal part of the dwellinghouse.

(j) the development would include the provision of visible support structures on or attached to the exterior of the dwellinghouse upon completion of the development; or

No visible support structures on or attached to the exterior of the dwellinghouse form part of the proposed plans.

(k) The development would include engineering operations other than works within the curtilage of the dwellinghouse to strengthen its existing walls or existing foundations.

No engineering operations other than works within the curtilage of the dwellinghouse to strengthen the existing walls and foundations are proposed.

- **Conditions**

AA.2 – (1) Development is permitted by Class AA subject to the conditions set out in sub-paragraphs (2) and (3).

(2) The conditions in this sub-paragraph are as follows –

(a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

All external wall materials would match the existing. Natural stone and render is proposed for the walls and concrete roof tiles are proposed for the roof. New windows in white upvc would also match the existing.

(b) the development must not include a window in any wall or roof slope forming the side elevation of the dwellinghouse;

No windows are proposed in the side elevations of the walls. The proposed roof will match the pitch and form as existing.

(c) the roof pitch of the principal part of the dwellinghouse following the development must be the same as the roof pitch of the existing dwellinghouse; and

As the existing and proposed plans demonstrate, the proposed roof pitch of the principal part of the dwellinghouse following development would be exactly the same as the roof pitch on the existing dwellinghouse.

(d) following the development, the dwellinghouse must be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.

Following the development, the dwellinghouse would continue to be used as a dwellinghouse.

(3) The conditions in this sub-paragraph area are as follows –

(a) before beginning the development, the developer must apply to the local planning authority for prior approval as to –

(i) impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light;

All windows facing neighbours at first floor level have been removed resulting in no overlooking or breach of privacy. The proposal seeks to increase the ridge height by 3.4m. This height will still remain 0.3 meters below the ridge level of No.138 to the West, whilst being circa 5.5m away from the boundary. With the orientation of the properties, and the main rear elevations facing South, the change in light to both No.138 and No.156 will be negligible. There are no other residential properties within close proximity.

(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;

The external wall and roof materials would match the existing (natural stone, render and concrete tiles). The roof pitch and windows would also remain the same as the existing.

Neither side elevation of the proposed development directly fronts highway. The closest highway to the property is approximately 17.5m away.

(iii) air traffic and defence asset impacts of the development; and

The development is not in a location that would impact air traffic or defence assets.

(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 15th March 2012(a) issued by the Secretary of State;

The development will not impact on a protected view.

(b) before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on adjoining owners or occupiers will be mitigated;

(c) the development must be completed within a period of 3 years starting with the date prior approval is granted;

(d) the developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion; and

(e) that notification must be in writing and include –

(i) the name of the developer;

(ii) the address of the dwellinghouse; and

(iii) the date of completion.

Points (b) to (e) are noted and will be adhered to if/when the Prior Approval is granted.

- **Procedure for applications for prior approval**

AA.3 – (1) The following sub-paragraphs apply where an application to the local planning authority for prior approval is required by paragraph AA.2(3)(a).

(2) The application must be accompanied by—

(a) a written description of the proposed development, including details of any works proposed;

The property is a single storey detached dwellinghouse. The proposed development of one additional storey would extend across the entire length and width of the existing dwelling.

Windows are proposed on the front and rear elevations. Further details of the works proposed are detailed under section 3(a)(ii) above.

(b) a plan which is drawn to an identified scale and shows the direction of North, indicating the site and showing the proposed development; and

See accompanying plans 2082A/01, 2082A/02, 2082A/03.

(c) a plan which is drawn to an identified scale and shows—

(i) the existing and proposed elevations of the dwellinghouse, and

(ii) the position and dimensions of the proposed windows.

See accompanying plans 2082A/01, 2082A/02, 2082A/03.

(3) The local planning authority may refuse an application where, in its opinion—

(a) the proposed development does not comply with, or

It is considered that the proposed development does comply with the relevant restrictions and conditions stated in Class AA. This is evidenced through the information provided in this supporting statement and the accompanying application form and plans.

(b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified in paragraphs AA.1 and AA.2.

It is considered that the information provided in this supporting statement and on the accompanying application form and plans is sufficient to enable the authority to establish whether the proposed development complies with the conditions, limitations and restrictions specified. If the authority requires any additional information, please contact us and we would be happy to provide further details.

- **Conclusion**

Based on fulfilling the above criteria, it is considered that the proposed development falls under Class AA of Part 1 (permitted development) and we therefore respectfully request that the enclosed prior approval for the enlargement of a dwellinghouse by construction of additional storeys is granted accordingly.

Please do not hesitate to contact us should you have any queries.