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/92295/W**
Site Address	**1, Viewlands, Fixby, Huddersfield, HD2 2HY**
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:02-Aug-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	047-21-PL03		4th June 2021
Existing site plan, elevations and floor plans	047-21-PL01		4th June 2021
Proposed site plan, elevations and floor plans	047-21-PL02 – Rev: B		4th June 2021

Officer Report

Site: 1, Viewlands, Fixby, Huddersfield, HD2 2HY

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%2f92295

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 dwelling with an integral garage and balconies to the front and rear. To the front of the property is an area of hardstanding used for parking and to the eastern side and rear of the property are garden areas. The existing dwelling is a total height of 7.3 metres and a maximum depth of 12.9 metres with various pitched roofs.

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 but of varying size and design.

3) Proposed development

3.1 It is proposed to add an additional storey to the part of 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 shows that openings would be created within both the front and rear elevation at second floor and dormer windows located within the front and rear elevation roof slopes.

3.3 The proposed construction materials would match the existing.

4) Site history

4.1 2009/91815 Proposed two storey side and front extension and erection of new boundary wall

Refused

4.2 2010/92192 Erection of two storey side and front extension and erection of new boundary wall

Conditional Full Permission

4.3 2011/90511 Erection of 2 storey side, front and rear extensions

Refused

4.4 2011/92153 Erection of extensions

Refused – appeal upheld

4.5 2012/93029 Non- material amendment to previous permission 2011/92153 for erection of extensions

Refused

4.6 2012/93793 Erection of alterations to dwelling

Conditional Full Permission

5) Policy

National Planning Policy Framework

Chapter 12 – Achieving well designed places

Kirklees Local Plan

LP24 – Design

6) Representations

6.1 Publicity date ended 30th June 2021 – 1 representation received with the following being a summary of comments:

- Site is already overdeveloped and out of keeping with the whole area
- Due to number of residents there are about 6 cars, a van and a caravan filling the driveway and the road/pavement at the busy junction
- Garage doesn't appear to be used for its intended purpose
- The original planning design conditions do not appear to have been upheld and construction of a bungalow type building on the land

7) Site visit

7.1 A site visit was undertaken on 23rd June 2021. In additional imagery held by the LPA and Google imagery was utilised to assess the impact of the development.

8) Permitted Development

8.1 Based on the records available permitted development rights have been removed from the property however these are for additional windows on the side elevations of the property and not for extensions to the property.

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 that the 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 the 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 15th March 2021 issued by the Secretary of State

8.5 These matters are addressed 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 for high standards of design and amenity. It is noted that dormer windows are proposed within the front and rear elevations however the regulations do not state that dormer openings are not restricted from the development. The 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 1.5 metres in overall height thus adding an additional storey to the property. The surrounding dwellings are a mixture of two storey dwellings and bungalows and due to the topography of the area, the roof heights vary.

9.3 The increase in height would be above the existing main body of the property with adjacent neighbours surrounding the property. Officers consider that raising the ridge and eaves of the dwelling by 1.5 metres would slightly increase the existing overshadowing in winter months during the morning and evening hours when direct sunlight is limited.

9.4 New openings would be introduced within the roof slope of the rear elevation and within the roof slope and 2nd storey of the front (south facing) elevation however as there are window openings at first floor in the dwelling, the new windows would not

offer any significant effects that would lead to loss of privacy or overlooking into neighbouring gardens. The openings within the rear elevation are screened from the neighbouring property to the north by trees.

9.5 The facing property to the front elevation is separated from the site by approximately 36 metres which is considered to be acceptable so as not to be impacted on by the proposal.

9.6 It is appreciated that there are noise implications and disruptions 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 GPDO in terms of the impact on residential amenity and therefore complies with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF.

(ii) <u>The external appearance of the building</u>

9.8 The proposed development adds an additional storey to an existing two storey dwellinghouse within a housing estate which has dwellings of varying designs but matching construction materials. There is no doubt that an additional storey would introduce an unique feature within the area which in turn 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 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 include openings being included within the second storey and roof slope of the principal south facing elevation and within the roof slope of the rear elevation. No consideration can be made to the impact of the rear elevation of the proposal as consideration can only be given to the principal elevation and the side elevation fronting a highway which is the west facing elevation in this instance. The openings within the principal

elevation would be aligned with the openings at first floor and are 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 and is therefore also required to be considered. The proposed side elevation contains no additional openings. Condition AA.2 (2) (b) states that ….*"the development must not include a window in any wall or roof slope forming a side elevation of the dwellinghouse;"* . As none are proposed, the proposed meets this test.

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 limit remit to consider visual and residential amenity allowed by the GDPO and as such proper approval is recommended.

11) Response to representations

- Site is already overdeveloped and out of keeping with the whole area

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

- Due to number of residents there are about 6 cars, a van and a caravan filling the driveway and the road/pavement at the busy junction

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

- Garage doesn't appear to be used for its intended purpose

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

- The original planning design conditions do not appear to have been upheld and construction of a bungalow type building on the land

Response: This is a matter that the Planning Enforcement Team should be notified about however Google Streetview has images dating back to 2009 which demonstrates a two storey dwellinghouse which is not within the 4 year timeframe for enforcement action to be undertaken.

12) Decision notice

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.

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Dated : 23rd July 2021