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Planning Development

Prior Approval for Proposed Development at 61 Gomersal Lane, Gomersal, Cleckheaton, BD19 4JQ

Introduction

We refer to the attached prior approval application submitted on behalf of Mr. R. Girling for the proposed enlargement of a dwellinghouse by construction of an additional storey at 61 Gomersal Lane, Gomersal, Cleckheaton. 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.



Photograph showing existing front (western) elevation

The application comprises:

- Class AA supporting statement – R Halstead Chartered Surveyors & Town Planners
- Existing and proposed elevation and floor plans – Farrar Bamforth Associates Ltd

Planning History

There is no relevant planning history.

Class AA Permitted Development

The property is a brick built detached dwellinghouse with a flat roof. There is a small, rendered section on the west/rear elevation and part of the south/front elevation has painted vertical timber boarding on. The proposed development of one additional storey would extend across the principal part of the house which excludes the existing conservatory and side porch. The new storey would incorporate three bedrooms, one en-suite bathroom and one family bathroom.

The reasons the proposal is considered to be permitted development are as follows, dealing with each of the conditions/restrictions in Class AA in turn (responses in [blue](#)):

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, MA, N, O, P, PA or Q of Part 3 of this Schedule (changes of use);

[The building was originally constructed as a dwellinghouse and has remained a dwellinghouse ever since. It was therefore not granted by virtue of Class M, MA, N, O, P, PA or Q of Part 3 of this Schedule \(changes of use\).](#)

(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 Policies Map.](#)

(c) the dwellinghouse was not constructed before 1st July 1948 or after 28th October 2018;

[The dwellinghouse was constructed in 1959.](#)

(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 dwellinghouse has not been previously 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;

[The height would not exceed 18 metres following the development.](#)

(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 is single storey. Following the development, the highest part of the roof of the dwellinghouse would exceed the height of the highest part of the existing dwellinghouse by 3.15m and therefore fulfils the criteria in point (f)(i).

(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;

N/A 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 2.43m. The floor to ceiling height of the proposed development is 2.43m which would therefore not exceed the existing floor to ceiling height.

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

AA4. Interpretation of Class AA, part (1) states that the principal part of the dwellinghouse means, *'the main part of the dwellinghouse excluding any front, side or rear extension of a lower height, whether this forms part of the original dwellinghouse or is a subsequent addition.'*

The property was extended in the 1970's by way of a side extension to form a garage. However, as noted from the photo below, the garage was built at the same height as the original house and therefore qualifies as being a principal part of the house.

As such, the additional storey would be constructed above the principal part of the dwellinghouse but would not include the conservatory or porch extensions which are in fact at a lower height.



1970's extension on the right (lighter brick colour – not same height as main house)

(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. Brick and painted vertical timber boarding are proposed for the walls. New window openings would be white uPVC to match 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 would be flat and as such there are no sideways facing roof slopes.

(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

N/A as the proposed roof would be flat to match the existing roof which is also flat.

(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;

The closest residential dwelling is No. 63 Gomersal Lane. The side elevation of the dwellinghouse, which would contain no windows at first floor level, is however, over 21m away from the side elevation of No. 63. The residential amenity for these residents would therefore not be unduly affected. In actual fact, the applicant owns both properties.

(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 materials of the additional storey would match the existing (brick and painted vertical timber boarding). The flat roof would also remain the same as the existing. The window fenestration proposed is sympathetic and in keeping with the character and appearance of the existing dwelling.

The proposed development is also considered to be proportionate in scale in relation to the existing dwelling. No side elevations front a highway.

(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 duly 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 brick built detached dwellinghouse with a flat roof. There is a small, rendered section on the west/rear elevation and part of the south/front elevation has painted vertical timber boarding on. The proposed development of one additional storey would extend across the principal part of the house which excludes the existing conservatory and side porch. The new storey would incorporate three bedrooms, one en-suite bathroom and one family bathroom. 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 Location Plan.

(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 scaled existing and proposed floor plans and elevations.

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

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

(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, however, the authority requires any additional information or clarification, 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 an additional storey is granted accordingly.

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

Robert Halstead Chartered Surveyors & Town Planners

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