

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

**Town and Country Planning (General Permitted Development) (England)
Order 2015 - Schedule 2, Part 1, Class A.1 (g) Condition A.4**

**DELEGATED DECISION FOR DISCHARGE OF CONDITION A.4 -
NOTIFICATION OF A PROPOSED ENLARGEMENT TO DWELLINGHOUSE**

Reference no.	2021/HH/93251/E
Site Address	31, Fairfields, Upper Denby, Huddersfield, HD8 8UB
Description	The proposal is for erection of single storey rear extension. The extension projects 5.98m beyond the rear wall of the original dwellinghouse. The maximum height of the extension is 3.6m, the height of the eaves of the extension is 2.98m
Recommending Officer	Nina Sayers

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: 27-Sep-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 RECOMMENDATION

DISCHARGE OF CONDITION A.4 , SCHEDULE 2, PART 1, CLASS A **GENERAL PERMITTED DEVELOPMENT ORDER**

1. Procedural Matters

Prior notifications for the erection of single storey rear extensions to dwellings are considered against the requirements as set out by the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) Schedule 2, Part 1, Class A, condition A.4.

Proposals pursuant to Class A are permitted subject to limitations set out in paragraph A.1 and in the case of Class A.1 (g) subject to the discharge of condition A.4. This proposal relates to development pursuant to Class A where condition A.4 is engaged and for the purposes of this assessment only the limitations for Class A.1 (g) and requirements condition A.4 are considered. Other limitations within Class A are not considered other than where, in the opinion of the Local Planning Authority, the development does not comply with the limitations within Class A of the Order. Ultimately the responsibility to ensure the development is carried out in full accordance with any planning permission rests with the applicant or property owner/occupier.

Limitations for Class A.1(g) Development

Is the site within a Conservation Area, Article 4 or SSI area?	No
Is any part of the proposal clearly outside the curtilage of the dwellinghouse?	No
If the house is detached and from the information submitted, does the extension extend more than 8 metres from the rear of the original dwellinghouse?	N/A
If the house is not detached and from the information submitted, does the extension extend more than 6 metres from the rear of the original dwellinghouse?	No
Does the proposal exceed 4 metres	No

in height?	
Have permitted development rights been removed from the property?	No

Condition A.4

As part of the notification procedure, the Local Planning Authority notify owners or occupiers of adjacent premises of the proposed development by serving notice and allowing 21 days for objections to be made. The Local Authority shall take into account any representations made as a result of the notice given.

Consultation start date : 16/08/2021

Consultation end date : 06/09/2021

1. Objections

One representation was received in response to the publication of this application. Issues regarding the following material planning considerations were raised:

- Overbearing impact on neighbouring garden
- Overshadowing to neighbouring property and garden.
- Scale and materials would not be in keeping with the existing property or wider area.

Other concerns were raised but as these were not material planning considerations these were not considered.

2. Assessment

Site description

31 Fairfields is a two-storey, semi-detached dwelling in Upper Denby. The garden wraps around the front, rear and side of the property. It is a corner plot on a residential street with other properties of a similar age, style and design but with a mix of materials.

Description of proposal

The proposal is for erection of single storey rear extension. The extension projects 5.98m beyond the rear wall of the original dwellinghouse. The maximum height of the extension is 3.6m, the height of the eaves of the extension is 2.98m.

Assessment

The guidance published with respect to Notification of a proposed larger home extension states that “If any adjoining neighbour raises an objection within the 21-day period, the local authority will take this into account and make a decision whether the impact on the amenity of all adjoining neighbours is acceptable”.

One of the 12 core principles of the National Planning Policy Framework require that Planning should “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”

The Kirklees Local Plan requires development on unallocated land to be assessed with respect to policy LP1 and developments to domestic properties is assessed with respect to policy LP24.

An analysis of the site has been carried out to assess the impact on the amenities of the neighbouring properties as one objection has been received.

Impact on 33 Fairfields

The proposed extension would be to the rear of the host dwelling. The application site is located at a right angle to the neighbouring property. Therefore, the proposed extension would remain a significant distance from 33 Fairfields and would be shielded by the host dwelling. As such, no significant harm is considered to be caused to the amenity of 33 Fairfields as a result of the proposed extension.

Impact on 29 Fairfields

The proposed extension would be adjacent to the boundary with 29 Fairfields so some harm is likely to be caused to the neighbouring property. However, it should be noted that the General Permitted Development Order permits a 6 metres projecting extension to the rear of the dwellinghouse subject to limitations and conditions. As such the principle of a 6 metres extension is deemed acceptable and should only be refused if the proposal results in any harmful impact to residential amenity by virtue of e.g. difference in land levels between properties and/or orientation etc.

In this instances, the proposed extension would be set in slightly from the boundary with 29 Fairfield and would be single storey with an eaves height of 2.9 metres. As land levels do not change between the two properties and the height is within GPDO limitations, this would limit any overbearing impact to the limitations set within the deemed acceptability of the GPDO. As such the proposal is not considered to unduly impact upon the amenity of no.29 in terms of massing. The host dwelling is also located due north of the neighbouring property and therefore no significant harmful overshadowing harm would be caused to the neighbouring property.

It is therefore considered that the proposed development would not cause any significant harm to the amenity of the neighbouring properties and visual amenity and so the proposed extension is considered acceptable.

3. Recommendation

Approval.

Report Dated:

24/09/2021
