

**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. 2022/CL/90766/E

Site Address	72, Woodhall Drive, Healey, Batley, WF17 7TE
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Description	Prior approval for enlargement of dwellinghouse by erection of additional storey
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Recommending Officer	Jennifer Booth
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DECISION – PRIOR APPROVAL GRANTED

**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-Apr-2022

OFFICER REPORT – 2022/90766

Site: 72 Woodhall Drive, Healey, Batley, WF17 7TE

Dev: Prior approval for enlargement of dwellinghouse by erection of additional storey.

Summary

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 2015 (as amended) [GPDO].

1. Site

2.1 72 Woodhall Drive is a detached bungalow with a road facing gable. There are gardens to the front and rear with a drive to the side and a garage attached.

2.2 There are similar properties to either side with two storey properties to the front and rear.

Proposed Development

3.1 The applicant proposes an additional storey to the existing building. The drawings indicate the eaves height would be increased from 2.4m to 5m and the roof would be raised from 5.15m to 7.8m to correspond with the same roof angle as existing.

3.2 The plans show the openings in the new first floor windows would be in a similar position to the existing ground floor windows.

Relevant Planning History

1981/0699 - erection of dwelling - approved with pd rights removed for extensions and outbuilding to the rear

Policy

National Planning Policy Framework

Chapter 12 – Achieving well designed places

Kirklees Local Plan

LP24 – Design

Other Considerations

Householder extensions SPD

Representations

5.1	Neighbour letters were sent giving till 29/03/2022 to comment
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No representations received

Site Visit

7.1 No – Imagery held by the LPA including photographs and Google imagery is considered sufficient to assess the impact of the development

Permitted Development

8.1 Permitted development rights have been removed via conditions attached to the earlier planning permission for the dwelling. However, the condition related to development in the area hatched in red which covers the rear garden area not the house.

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8.2 Class AA, Part 1 of the GPDO provides a deemed planning permission for 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 within the limitations. In this instance, the property was built under a 1981 planning permission according to the Council's records.

8.3 Class AA.2 of the GPDO 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 the 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 defence 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 2012(a) issued by the Secretary of State;

These matters are assessed below.

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 to high standards of design and amenity.

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Impact on the amenity

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9.2 The proposed extension will add significant bulk to the existing dwellinghouse resulting in a significantly larger appearance. However, it is noted that the properties in the area do have a mix of heights with both single and two storey dwellings. The scale of the increase would not be out of place in the wider area.

9.3 The increase in height would be above the existing dwelling and given the amenity spaces of the adjacent neighbours to each side, 70 and 74 Woodhall Drive, the increase in height would not have a significant effect upon the amenities of either adjoining neighbour.

9.4 The rear of the property aligns with the rear amenity spaces of the neighbouring 19 & 21 Trafalgar Street with some angling between the

properties. This would introduce new windows at a higher level than the existing house. However, the new windows would not offer any significant additional opportunity for overlooking given the separation distances.

9.5 The property on the opposite side of the road, 33 Woodhall Drive is angled relative to the host property with a separation of approx. 29m and as such there would be no significant impact as a result of the works proposed.

9.6 It is appreciated that there are noise implications and disruption 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 AA.2 (3)(b) requires the developer to provide a report on how construction noise, traffic, dust and vibrations will be mitigated.

9.7 There are no other nearby existing properties and as such the proposed development accords with the aims of policy LP24 and chapter 12 of the NPPF and householder SPD in terms of securing good quality standards of amenity.

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The external appearance of the dwellinghouse

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9.8 The proposed development adds an additional storey to an existing single storey dwellinghouse within a street of similar dwellings. There is no doubt that this will disrupt the rooflines within this row of properties.

9.9 That being said, there are a mix of single and two storey properties within Woodhall Drive. As such, this would not be wholly out of character with the area. The additional storey can be seen in the context of the two storey buildings opposite when approaching westwards along Woodhall Drive. Equally, whilst the additional storey will seem prominent when approaching southwards, the existing two storey building directly opposite will act to balance the streetscene when viewing at this location.

The new windows in the new 1st floor would follow the lines and proportions of the fenestration on the ground floor and the roof would follow the angles of the existing roof and therefore consistent with the aims of chapter 12 of the NPPF and Local Plan policy LP24.

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.

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Directions Relating to Protected Vistas dated 15th March 2012(a)

There are no Directions relating to protected vistas.

Recommendation

10.1 The proposed development is acceptable in terms of limited remit to consider visual and residential amenity allowed by the GPDO and as such prior approval is recommended.

Decision Notice

In addition to conditions stated in paragraph AA.2 of Class AA, prior approval is granted.

This decision is based on the following plan(s):-

Plan Type	Reference	Web ID	Date Received
Application form	•	920649	04/03/2022
Location plan	D01a	920650	04/03/2022
Proposed & existing plans	D02A	920729	04/03/2022