Kirklees Council
Planning and Development Service
PO Box 1720
Huddersfield
HD1 9EL

Enquiries to: Jennifer Booth

Kirklees Direct
Tel: 01484 414746
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Zeshan Khawaja,
Khawaja Planning Services
264, Apperley Road
Apperley Bridge
Bradford
BD10 0PX

Date: 05-Dec-2022
Our Ref: 2022/93330

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990**
**TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 (as amended) - SCHEDULE 2, PART 1, CLASS AA**
**AT: 2, Wayne Close, Batley, WF17 0EU**
**Prior approval for enlargement of dwellinghouse by erection of additional storey**

I refer to your submission of details relative to the proposed extension as described below for the above property and as submitted on 10-Oct-2022.

Prior approval for enlargement of dwellinghouse by erection of additional storey

In accordance with paragraph AA.3(13) the Local Planning Authority hereby confirms prior approval is given for the above development. The requirements under condition AA.2(3) of Class AA, Part 1, Schedule 2 of the General Development Order (as amended) is satisfied.

Notwithstanding the above I would draw your attention to the further provisions of Schedule 2, Part 1, Class AA.2 of the General Development Order (as amended), which states that development is permitted subject to the following conditions:

**Development is permitted subject to the following conditions:**

- The development shall be carried out in full accordance with the details provided unless otherwise agreed in writing with this Authority.
- The materials used in any exterior must be of similar appearance to those used in the construction of the exterior of the existing dwellinghouse.
- The development must not include a window in any wall or roof slope forming a side elevation of the dwelling house.
- 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.
- 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.

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- 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.
- The development must be completed within a period of 3 years starting with the date prior approval is granted.

You are also required to notify this Authority of the completion of the development in writing as soon as reasonably practicable after completion, the information submitted shall include, the name of the developer, the address or location of the development and the date of completion.

Whilst reasonable effort has been made to check the accuracy of your submitted details you are reminded that 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);

(b) the dwellinghouse is located in—
(i) a Conservation area; or
(ii) a site of special scientific interest;

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

(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;

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

(f) following the development the height of 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; or
(ii) 7 metres, where the existing dwellinghouse consists of more than one storey;

(g) the dwellinghouse is not detached and following the development the height of the highest part of its 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;

(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;

(i) any additional storey is constructed other than 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

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

In addition to conditions stated in paragraph AA.2 of Class AA and a condition removing permitted development rights for classes A - E, prior approval is granted.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order (with or without modification)) no development included within Classes A through E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.
**Reason:** In the interest of visual amenity and so as to preserve the setting of the Conservation Area and the character of the dwelling in accordance with Policy LP24 of the Kirklees Local Plan as well as the National Planning Policy Framework.

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

| Plan Type | Reference | Web ID | Date Received |
|---|---|---|---|
| Application form | • | 955601 | 10/10/2022 |
| Location plan | • | 955602 | 10/10/2022 |
| Proposed & existing plans | 1 | 955603 | 10/10/2022 |
| Proposed & existing plans | 2 | 955604 | 10/10/2022 |
| Proposed & existing plans | 3 | 955605 | 10/10/2022 |

**Development within a Coal Mining Area**

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

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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

**Digital Infrastructure: Fibre To The Property (FTTP)**

Access to affordable and reliable broadband is necessary for Kirklees' residents, businesses, and visitors to take advantage of the growing digital economy and 'digital by default' services. Fibre optic cables direct to a property (FTTP) is the most reliable way of delivering high speed broadband connectivity and allows for gigabit internet speeds. Access to high quality digital infrastructure provides the foundations for, amongst other things:

- Economic prosperity – workforces that are digitally-literate enables business to thrive.
- Digital literacy – digital literacy and skills increase employability and people can exploit the internet for transactional, social, entertainment and learning purposes.
- New services – digital delivery can lower costs and provide innovative public and health services more conveniently.

It is therefore advised that digital infrastructure, including FTTP, and its benefits for the development be considered from the earliest feasible stage. Methods include working with Internet Service Providers to install digital infrastructure alongside other utilities or providing pre-infrastructure allowing for speeder installation at a later date.

To discuss the benefits that FTTP may have for your development, please contact Carl Tinson in Kirklees Council's Digital Team at carl.tinson@kirklees.gov.uk

**Note**: The provision of fibre infrastructure is often available from certain telecommunications providers free of charge for development over a certain scale, provided that sufficient notice is given. Notice periods are typically at least 12 months prior to first occupation. In some cases, providers may request a contribution from the developer.

**Note**: Where no telecommunications provider has been secured to provide fibre infrastructure by the time of highway construction, it is advised that additional dedicated telecommunications ducting is incorporated alongside other utilities to enable the efficient and cost effective provision of fibre infrastructure in the future.

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If you wish for the Local Authority to make a formal determination upon the lawfulness of the proposal, it remains open for you to submit an application for a Certificate of Lawful Development. Further details for such applications can be found at:-
http://www.planningportal.gov.uk/permission/responsibilities/planningpermission/ldc

**Notes to Developer**

**Building Regulations**

- Building Regulations Approval is required for most work involving building operations and/or structural alterations. It is the applicant's responsibility to find out if the work permitted by this planning permission needs approval under the Building Regulations, and if necessary to submit an application. If you are not the applicant can you please ensure the applicant is aware of this requirement. Please contact Kirklees Building Control on 01484 221550 or via e-mail to building.control@kirklees.gov.uk, alternatively visit www.kirklees.gov.uk/planning for more information.

**Protected Trees**

- Be aware that your site has been identified as hosting / being in close proximity to a Protected Tree. Permitted development rights for domestic extensions under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) **do not** override Tree Preservation Orders under the Town and Country Planning (Tree Preservation)(England) Regulations 2012 . It is your responsibility to ensure the continued health and viability of the protected tree. There is advice on the Kirklees Website, if you do need further information. http://www.kirklees.gov.uk/beta/trees-listing-and-conservation/work-on-trees.aspx

**Listed Building**

If the extensions are to a listed building then listed building consent will be required from this Authority.

**Customer Feedback**

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to email your comments to dc.admin@kirklees.gov.uk so that we can work on continually improving our customer service. Thank you.

Yours faithfully

Mathias Franklin
Head of Planning and Development