

**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**

<b>Reference no.</b>	<b>2023/HH/92167/E</b>
<b>Site Address</b>	<b>11, Hollybank Avenue, Upper Batley, Batley, WF17 0AQ</b>
<b>Description</b>	<b>The proposal is for erection of single storey rear extension. The extension projects 6m beyond the rear wall of the original dwellinghouse. The maximum height of the extension is 3m, the height of the eaves of the extension is 2.65m</b>
<b>Recommending Officer</b>	<b>Edward Cheseldine</b>

**DECISION – Prior Approval Not Required**

**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.**

Sarah Longbottom

***AUTHORISED OFFICER***

**Date: 30-Aug-2023**

## 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?	No
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?	N/A
Does the proposal exceed 4 metres in height?	No

Have permitted development rights been removed from the property?	No
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#### 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: 20 July 2023

Consultation end date: 10 August 2023

### **1. Objections**

Two representations were received in response to the publication of this application. One representation was in support of development. Within the objection for development the following material planning considerations were raised:

- Size and scale of the dwelling will be out of character with the surrounding houses.

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"

#### *Site description*

11 Hollybank Avenue is a two-storey, detached dwelling in Upper Batley. There is a garden to the front and rear of the property. It is on a residential street with other properties of a similar age, style and design.

### *Description of proposal*

The proposal is for erection of single storey rear extension. The extension projects 6m beyond the rear wall of the original dwellinghouse. The maximum height of the extension is 3m, the height of the eaves of the extension is 2.65m.

### *Assessment*

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

As an objection was received, an assessment of the site has been carried out to assess the impact on the amenities of the neighbouring properties.

### *Impact on 9 Hollybank Avenue*

9 Hollybank Avenue is a two-storey dwelling located south of the application site. The proposed development would be single storey and would project 6.00m from the rear elevation. No. 9 is set forward of the neighbouring property, on a lower land level than No. 11. Due to the siting of the application dwelling, a rearward extension would be ~11.80m away from the property at No. 9. In addition, no openings are proposed in the south-western boundary of the extension. Due to this, there is deemed to be no material impact in terms of overlooking, overshadowing or overbearing harm caused to the amenity of the occupants at No. 9. In terms of size and scale, the proposal is for a single-storey rear extension that will not be visible from the public domain.

### *Impact on 13 Hollybank Avenue*

13 Hollybank Avenue is a two-storey dwelling located east of the application site. The application dwelling is orientated at an obtuse angle away from No. 13. There is estimated to be ~10.00m from the rear extension and the property boundary shared with No. 13. Whilst some openings are proposed in the north-eastern elevation of the extension, due to distance, there is deemed to be no material impact in terms of overlooking, overshadowing or overbearing harm caused to the amenity of the occupants at No. 13.

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

## **2. Recommendation**

Approval.

29 August 2023

**Report Dated:**

### **Development within a Coal Mining Area**

#### **DEVELOPMENT LOW RISK AREA – STANDING ADVICE**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://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 speedier 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](mailto: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.

## **OFFICER RECOMMENDATION**

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

#### **3. 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	No
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Area, Article 4 or SSI area?	
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?	No
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?	N/A
Does the proposal exceed 4 metres in height?	No
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.

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#### **4. Objections**

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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".

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### **5. Recommendation**

Approval.

**Report Dated:**

29 August 2023
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