

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. 2023/CL/92478/E

Site Address	22, Crowlees Road, Mirfield, WF14 9PJ
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Description	Prior approval for enlargement of dwellinghouse by erection of additional storey
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Recommending Officer	Edward Cheseldine
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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:12-Oct-2023

Reference:	2023/92478
Applicant: -	D Hayman
Location: -	22, Crowlees Road, Mirfield, WF14 9PJ
Proposal: -	Certificate of lawfulness for prior approval for enlargement of dwellinghouse by erection of additional storey

Site Description

22 Crowlees Road is a detached Bungalow in Mirfield. The dwelling has brick exterior walls with a stone feature on the front elevation. The building has a hipped roof which is clad in concrete roof tiles. Window frames are made of a Upvc material. The property hosts a modest front and rear garden space and a driveway to the side of the property. There is one outbuilding within the curtilage of the property.

Application Proposal

The application is for a certificate of lawful for prior approval of proposed development for the erection of an additional storey to the existing building. The onus is on the applicant to provide evidence which states why the proposal fits with the permitted development legislation. In this case, the applicant has stated on the application form that the proposal is permitted development.

Relevant Planning History

None.

Legislation

The Town and Country Planning Act 1990 Section 55 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Assessment

Principle of Development

The main considerations in the determination of this application are:

1. Whether the proposed development would constitute development as

defined section 55 of the Town and Country Planning Act 1990;

2. If so, whether Permitted Development rights apply to the property; and

Whether the proposed development falls within permitted development under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 1 (Development within the curtilage of a dwelling house), Class AA (enlargement of a dwellinghouse by construction of additional storeys).

The proposal comprises of an alteration of an existing dwelling by adding the additional of a storey to the structure. Thus, the proposal constitutes the carrying out of building on and over land that would materially affect the external appearance of the existing building. As such, it is regarded as development as defined by section 55 of the Town and Country Planning Act 1990.

The application therefore falls to be considered under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 1 (Development within the curtilage of a dwelling house), Class AA (enlargement of a dwellinghouse by construction of additional storeys).

Permitted Development - enlargement of a dwellinghouse by construction of additional storeys

AA. The enlargement of a dwellinghouse consisting of the construction of—

(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.

Development Not Permitted

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

Comment: *Permission for this dwelling was not granted by virtue of Class G, M, MA N, 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;

Comment: *The site does not rest within a conservation area or a site of special scientific interest.*

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

Comment: *The site was not present on OS sheet SE 22 SW which was revised for major changes in 1951. Therefore, there is no evidence to suggest the building existed prior to this date. The dwelling is present on the 1955 Historic map held by Kirklees Planning Authority.*

- 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;

Comment: *The dwellinghouse as it stands has not been extended by the addition of a storey.*

- e) Following the development the height of the highest part of the roof of the dwellinghouse would exceed 18 metres;

Comment: *The height of the house would be less than 18 metres, measuring ~7.60metres from submitted plans.*

- 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;

Comment: *The original dwellinghouse is a height of ~5.00metres. The height of the proposed dwellinghouse is a height of ~7.60metres for a one storey addition, therefore the addition will not exceed 3.50metres.*

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;

Comment: *Not applicable.*

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;

Comment: *The floor to ceiling height of the additional storey is proposed to be 2.30m which satisfies this condition.*

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

Comment: *The additional storey is proposed to be constructed 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

Comment: *There would be no projections or visible support structures from the proposed works.*

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.

Comment: *The plans do not include any engineering operations.*

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;
- b) The development must not include a window in any wall or roof slope forming a side elevation of the dwelling house;
- 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
- 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.

(3) The conditions in this sub-paragraph 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;
 - (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 issued by the Secretary of State;
- 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.

Assessment for the discharge of condition AA.2

Prior approval for a permitted development Class AA requires an assessment of Condition AA.2 in order for it to be discharged.

The application site is situated on a residential road that is characterised by detached properties that host modest front outdoor areas. Properties have similar positions which form a strong building line, however there is a slight curve in Crowlees Road as it bends to the west. The application dwelling is a single-storey bungalow with a hipped roof. It is positioned to the west of the plot due to the side driveway. Currently there is a 1.8m boundary fence separating the property to the west of the application site. The application is for the addition of a single storey which will raise the height of the roof. As per Condition AA.2, the alterations need to be set against clauses (i-iv). (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 issued by the Secretary of State;

(i) *Impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light*

Impact on 20 Crowlees Road

20 Crowlees Road is a two-storey, detached dwelling to the west of the application site. There is a ~1.30m gap to the property boundary. No. 20 has two skylights on the pitched roof and a side window that is thought to light a kitchen. There is a narrow side space between the property and the fencing. The proposed eaves height of the house will increase by ~2.50. There will be no additional side windows on the proposed floor levels. As there are no side windows there will be no impact to privacy and there will be no overlooking effect. In terms of light, although there will be an additional level, the skylights are set back and at an obtuse angle to the additional floor which will maintain a high level of light for the room. Further to this, the roof style is hipped which will allow a flow of light past the eaves. There may be a loss of light from the kitchen window, however as there is a high-level boundary treatment,

such a loss will be minimal. Due to this, there will not be an adverse impact from an additional storey.

In terms of bulk, the proposed additional floor will add to massing on the boundary although not to the degree the massing would become excessive whereby residential amenity of any outdoor space would be affected or internal conditions become adversely affected by the addition mass.

Impact on 24 Crowlees Road

24 Crowlees Road is a one storey and a half, detached property. There is a ~4.60m gap from the property to the boundary. There is a high-level window on the side elevation of No. 24. There is sufficient space to the side of the property to allow for natural light into the high-level windows. Additionally, there are no side windows proposed on the new storey therefore there will be no impact to privacy or an overlooking effect.

Impact on 45 & 47 Springfield Park

The nearest of the two properties is situated an estimate ~88.50m from the application dwelling. Due to distance there will be no impact to privacy, a loss of light or a overlooking effect from the proposal.

- (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

Visual impact

Spatially, the principal elevation will occupy a significantly increased size. Although there are other single-storey houses on the road, there are two-storey dwellings including the adjacent property. The increase in size will be proportionate to the other dwellings on the road. Architectural features will mirror the ground-floor level including the stone façade. These features are appropriate and will not depart from the original design of the building. The external front elevation is therefore acceptable.

- (iii) Air traffic and defence asset impacts of the development

There will be no impact to air traffic and 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
issued by the Secretary of State;

The proposal will not affect a protected view.

Conclusion

The proposal has been considered against the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and is recommended for approval.

The proposed roof extension benefits from a general planning permission granted by virtue of Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	20-001	1	18/08/2023
Existing site / block layout	20-002	1	18/08/2023
Existing floor plans	20-003	2	06/10/2023
Existing elevations 3D views	20-004	1	18/08/2023
Proposed site / block layout	20-005	1	18/08/2023
Proposed floor plans	20-006	2	06/10/2023
Proposed elevations 3D views	20-007	1	18/08/2023
Existing elevation	30-001	1	18/08/2023
Proposed elevations	30-002	1	18/08/2023

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. No amendments were sought.

