

Prior Approval for Proposed Extension at

167 Drub Lane,

Cleckheaton

BD19 4BZ

This application is made under Class AA, Schedule 2, Part 1 of the Town & Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020. Permitted development under Class AA

(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.

- **Relevant Planning History**

1979 – (79/00332) Erection of extensions and alterations – two-storey property reduced to single storey building with extensions

5th January 2012 – (2011/62/92985/E) Erection of single storey extensions with associated groundworks.- Conditional full permission

2nd September 2021 - (2020/62/91200/E) Erection of two storey side extension and front and rear dormer windows and increase roof height. Refused – Appeal Dismissed

14th June 2023 – (2022/62/94043/E) Erection of extension to side, raising of roof height and dormer window to rear. - Withdrawn

- **Class AA Permitted Development**

The property is a single storey detached dwellinghouse, with a partially submerged garage at a lower level. The proposed development of one additional storey would extend across the entire length of the principal part of the existing dwelling.

The reasons the proposal is considered to be permitted development are as follows, dealing with each of the conditions/restrictions in Class AA:

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

The building has always been recognised as a dwellinghouse since its original completion.

(b) the dwellinghouse is located on – (i) article 2(3) land; or (ii) a site of special scientific interest;

The dwellinghouse is not located on article 2(3) land or on a site of special scientific interest.

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

The dwellinghouse is thought to be constructed in the 1950's.

An application was approved in 1979 (79/00332) – Two storey property reduced to single storey building with extensions.

(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;

The existing dwellinghouse has been reduced by a storey from its original construction around the year 1980. The section of dwellinghouse over which the reduction happened is unknown.

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

The height of the highest part of the roof from ground level would be approximately 9.22 metres.

(f) following the development 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;

(ii) 7 metres, where the existing dwellinghouse consists of more than one storey;

The existing dwellinghouse consists of one storey. The highest part of the roof of the dwellinghouse would exceed the height of the highest part of the existing dwellinghouse by approximately 2.3 metres.

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

Not applicable as the dwellinghouse is detached.

(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;

The floor to ceiling height measured internally in the existing dwellinghouse is 2.44 metres. The floor to ceiling height of the proposed development is 2.44 metres.

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

The additional storey would be constructed on the principal part of the dwellinghouse.

AA4. Interpretation of Class AA, part (1) states that the principal part of the dwellinghouse means, 'the main part of the dwellinghouse excluding any front, side or rear extension of a

lower height, whether this forms part of the original dwellinghouse or is a subsequent addition.'

The property was extended following approved plans in 1979 to erect an extension, reducing part of the dwelling from two storeys to a single storey. As seen in the diagram below the dwelling was rebuilt at the same height and so the area highlighted below qualifies as being a principal part of the dwelling.

The proposals are to extend over only a section of the principal part of the dwelling to respect the neighbouring properties.

Please see diagram below highlighting the principal part of the dwelling:



(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

No visible support structures on or attached to the exterior of the dwellinghouse are proposed.

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

No engineering operations other than works within the curtilage of the dwellinghouse to strengthen the existing walls and foundations are proposed.

- **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;

All external wall materials are proposed to match the existing. Natural stone is proposed for the walls and concrete roof tiles are proposed for the roof. New windows in brown upvc would also match the existing.

(b) the development must not include a window in any wall or roof slope forming the side elevation of the dwellinghouse;

No windows are proposed in the side elevations of the walls.

(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

As the existing and proposed plans demonstrate, the proposed roof pitch of the principal part of the dwellinghouse following development would be exactly the same as the roof pitch on the existing dwellinghouse.

(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.

The dwellinghouse will continue to be used as a dwellinghouse after development.

(3) The conditions in this sub-paragraph area 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;

All windows facing neighbours at first floor level on the North East Elevation close to the boundary have been removed resulting in no overlooking or breach of privacy. All roof windows are set 2.25m above the floor level. The proposal seeks to increase the ridge height by 2.3m. This height will still remain approximately 0.9 meters below the ridge level of No.171 to the East. With the orientation of the properties, the change in light to No.171 will be negligible. The side extension to No. 171 is already largely shaded by the dwelling itself as seen in the aerial view shown above. There are no other residential properties within close proximity.

As stated in a case officers report dated 30th March 2021 in relation to the application 2020/62/91200/E, there is no issue with overlooking, privacy or loss of light:

'Given that the proposed extensions and dormer windows would be to the north-west of the building, with windows facing north-east or south-west, it is considered that there would be no direct overlooking impact and no significant overshadowing or overbearing impacts.'

In this previous application the dormer windows to the rear (north east elevation) are closer to No.171 than what is proposed in this application.

(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;

The external wall and roof materials are proposed to match the existing, natural stone and concrete tiles. The roof pitch and windows remain the same as the existing. Neither side elevation of the proposed development directly fronts highway.

As stated previously, we have chosen to only extend to the rear part of the principal part of the dwelling to maintain an appropriate scale. Elevation features are sympathetic to the character of the existing dwelling as well as neighboring properties.

(iii) air traffic and defence asset impacts of the development; and

The development is not in a location that would impact air traffic or 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(a) issued by the Secretary of State;

The development will not impact on a protected view.

(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.

Points (b) to (e) are noted and will be adhered to once the Prior Approval is granted.

- **Procedure for applications for prior approval**

AA.3 – (1) The following sub-paragraphs apply where an application to the local planning authority for prior approval is required by paragraph AA.2(3)(a).

(2) The application must be accompanied by—

(a) a written description of the proposed development, including details of any works proposed;

The property is a single storey detached dwellinghouse, with a partially submerged garage at a lower level. The proposed development of one additional storey would extend across the entire length of the principal part of the existing dwelling. The extension includes two bedrooms, one with an en-suite. Windows are proposed on the front and rear elevations.

(b) a plan which is drawn to an identified scale and shows the direction of North, indicating the site and showing the proposed development; and

See accompanying plans 2296/01, 2296/02, 2296/03.

(c) a plan which is drawn to an identified scale and shows—

(i) the existing and proposed elevations of the dwellinghouse, and

(ii) the position and dimensions of the proposed windows.

See accompanying plans 2296/01, 2296/02, 2296/03.

(3) The local planning authority may refuse an application where, in its opinion—

(a) the proposed development does not comply with, or

(b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified in paragraphs AA.1 and AA.2.

It is considered that the information provided in this supporting statement, together with the attached drawings is sufficient to allow the authority to establish whether the proposed development complies with the conditions specified. If there are any concerns or any other additional information required, please do not hesitate to contact us.

- **Design Considerations:**



Photo of opposite streetscene from No.110 to 118 Drub Lane



Proposed Front Elevation

To the South West Elevation it is proposed to add pitched features similar to properties in the area. In Bedroom 1, two pitched features are formed, which create a reduction in height appose to the traditional dormer. Four velux windows are proposed in the dressing room, which are approximately 2.25m higher than the floor level, allowing light into the space, but a restricted view out. To break up the composition in the elevation it is proposed that the window in Bedroom 2 and the rooflights are brought down together, maximising the light and views from the room where there are no overlooking or privacy issues. All new first floor windows either replicate or are smaller in width than the windows directly below them at ground floor.

- **Relevant Precedents:**

There are two approved prior approval schemes for the raising of a single storey within a mile away from No. 167 Drub Lane that we feel are relevant precedents for this application:

- Prior Approval at 61 Gomersal Lane, Gomersal, Cleckheaton, BD19 4JQ (Application 2021/CL AA/29870/E)

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2021/92870&file_reference=883973

Although this dwelling had side extensions dating back to 1970, the side extensions were built at the same height as the original house and therefore, the extensions became part of the principal part of the dwelling. Approval was gained to develop a single storey above the parts which had previously been extended.

- Prior Approval at 6 Gomersal Lane, Gomersal, Cleckheaton, BD19 4AE (Application 2022/CL AA/93429/E)

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2022/93429&file_reference=957199

As seen in the drawing linked above, varying glazing features were added to the first floor proposals. On the South East elevation dormer style features, a window and adjoining rooflight feature as well as a glazed apex in the main master bedroom were part of a front elevation which was approved.

- **Conclusion**

- We understand that there have been two applications of a similar nature in 2020 and 2022 that were refused/withdrawn. These proposals were inconsiderate of the greenbelt and were not suitable for the scale of the dwelling.
- Following these decisions we have given thought to respecting the scale of the development and have only chosen to gain permission to extend above part of the principal section of the dwelling. In addition, the scale and features of the elevations aim to replicate the characteristics of dwellings in the area.
- It is considered that the proposed development falls under Class AA of Part 1 (permitted development) and we therefore trust that prior approval for the enlargement of a dwellinghouse by construction of an additional storey will be granted.