

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/92801/E

Site Address	167, Drub Lane, Drub, Cleckheaton, BD19 4BZ
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Description	Prior approval for enlargement of dwellinghouse by erection of additional storey
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Recommending Officer	Katie Wilson
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DECISION - REFUSED

**I hereby authorise the refusal 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:10-Jan-2024

OFFICER REPORT – 2023/92801

Site: 167, Drub Lane, Drub, Cleckheaton, BD19 4BZ

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

1. 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 The application relates to 167, Drub Lane, a detached house in Gomersal, Cleckheaton. It is built on land that slopes downwards in a south westerly direction, so that there is a lower ground floor element below part of the house and the rest is at ground floor level. The property is constructed from natural stone with dual pitched roofs surfaced in grey concrete tiles and there is a raised balcony to the front above lower ground floor element. The property appears to have single storey extensions to the south eastern side, the north western side and at the back.

2.2 It is accessed via a single width unadopted track off Drub Lane and has a driveway leading to detached double garage and paving at the back, with raised lawn area beyond.

2.3 To the south and east are a cluster of other individually designed houses and to the north are open fields, whilst to the west is a recreation ground.

1. Proposed Development

3.1 The applicant proposes an additional storey to the existing building over a rectangular part of the ground floor element thought to be an extended part to the original building. The drawings indicate the eaves height would be increased from approximately 2.4m to 4.8m and the roof would be raised from approximately 3.4m to 6.4m to correspond with the same shape of roof as existing. The areas shown on plan include above the original part of the building and a side extension to the north west.

3.2 The plans show new openings at first floor level in the south west elevation and north east elevations. The new first floor would provide space for two bedrooms with en-suite and walk in dressing room

1. Relevant Planning History

78/4637 – living room and garage extension. Refused

79/2266 – Porch granted, not built

79/00332 – erection of extensions and alterations – two-storey property reduced to single storey building with extensions. Approved.

06/94862 – erection of single storey extension and detached double garage. Refused...on grounds that the proposed extension and double garage by reason of their size, scale and location, and taking into account an existing earlier extension on the building would have a dominant and overbearing effect on the character of the original dwelling, resulting in a detrimental impact upon the openness and character of the Green Belt.

[Planning application details | Kirklees Council](#)

07/90309 – erection of detached garage. Permitted development.

[Planning application details | Kirklees Council](#)

11/90619 – erection of single storey extension and associated excavation works. Conditional full permission.

[Planning application details | Kirklees Council](#)

11/92985 – erection of single storey extensions with associated groundworks. Conditional full permission.

[Planning application details | Kirklees Council](#)

2020/91200 – Erection of two storey side extension and front and rear dormer windows and increase roof height. Refused.

[Planning application details | Kirklees Council](#)

2022/94043 – Erection of extension to the side, raising of roof height and dormer window to rear. Withdrawn

[Planning application details | Kirklees Council](#)

1. Policy

National Planning Policy Framework

Chapter 12 – Achieving well designed places

Kirklees Local Plan

LP24 – Design

1. Representations

6.1	Neighbour letters were sent giving till 31/10/2023 to comment
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1. No representations received.

1. Site Visit

7.1 A site visit was carried out 10/10/2023.

1. Permitted Development

8.1 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) 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, N, O, 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: Not applicable.

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

Comment: Historic maps held on the Kirklees mapping system dating from 1933 indicate the footprint of a small rectangular building approximately 6.5m deep x 5.5m wide at the application site in the position of the 2-storey element of the existing house.

The planning history also reveals that in March 1979, planning permission was granted for ref: 79/00332 – erection of extensions and alterations – and the approved plans indicate the original building was two-storeys high with understorey beneath. This approved scheme included demolition of roof and first floor of what is annotated as existing cottage, and erecting a larger single storey extension at the back of the cottage which projects beyond the north west facing side elevation approximately 7.5m.

Planning refusal 78/4637 for living room and garage extensions also suggests that the original building was a house at that time.

In an email dated 4th December 2023, the agent says that they have found some information that proves the building was a commercial wash house in 1911, however are still trying to piece other information together. They have been in touch with West Yorkshire Archive Service as there is an indication on historic maps that there was a 'revision point' right outside the site which usually means there is photo documentation. There was a request for an extension of time to give longer to find supporting information and a period of just over 4 weeks was agreed up to 10th January 2024. By the 9th January 2024 no additional information had been received.

As such it is considered that the applicant has provided insufficient information to enable the authority to establish whether the proposed development complies with Class AA.1.(c). Therefore in accordance with Class AA.3 (b) the application is recommended for refusal.

(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 planning history suggests that the original part of the house has not been enlarged above by the addition of one or more storeys.

(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 highest part of the roof would not 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;

Comment: The highest part of the roof of the proposed development would not be more than 3.5m higher than the highest part of the roof of the existing dwellinghouse

(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 accompanying statement says that the floor to ceiling height measured internally in the existing house and the proposed development would be the same 2.44m

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

Interpretation for Class AA defines 'principal part', in relation to a dwellinghouse, means the main part of the dwellinghouse excluding any front, side or rear extensions of a lower height, whether this forms part of the original dwellinghouse or is a subsequent addition.

Comment: In this instance the proposed new storey would be directly above the part of the house that was granted planning permission in 1979 (ref: 1979/00332). The proposal included demolition of a first floor to a cottage with understorey accessed from Drub Lane via an unadopted track which serves this and other houses. The reduced height cottage was re-roofed with a dual pitched roof with ridge level that ran through at the same height to the proposed rear and side extensions.

The property also has a more recent rear extension and side porch which are subordinate in height.

As such it is considered that the L-shaped re-roofed part of the house is the principal part, and the proposed extension would be above part of this. It is considered that this would comply with AA1. (i).

(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: No

(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: Works would be expected to be within the curtilage of the dwellinghouse.

To conclude, in this instance there is some evidence from historic maps detailed in AA.1 (c) to show that a small part of the existing building (protruding to the front) pre-dates July 1st 1948. There is also some

evidence from planning approvals and refusals dated 1978 / 9, that this element of the existing building was a two storey cottage with exposed basement underneath at the time of those applications.

A one month extension to time was mutually agreed to allow the agent to provide information that proves the building was in commercial use from construction before 1st July 1948 up until at least July 2nd 1948. No evidence has been submitted and therefore in the local planning authorities opinion, the developer/applicant / agent has provided insufficient information to enable the Authority to establish whether the proposed development complies with Class AA.1 (c).

Class AA.3 allows local planning authorities to 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.

9. Recommendation

9.1 The proposed development is recommended for refusal as in the local planning authorities opinion the developer / applicant / agent has provided insufficient information to establish whether the proposed development complies with Class AA.1 (c).

10. Decision Notice

In the opinion of the local planning authority the dwellinghouse was constructed before the 1 July 1948 and the developer / applicant / agent has not provided sufficient information to demonstrate otherwise. The proposed development fails to comply with sub-paragraph AA.1(c) of Class AA, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).

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

Plan Type	Reference	Date Received
Application form	•	20 th September 2023
Site location plan		20 th September 2023
Block plan		20 th September 2023
Existing plans and elevations	Dwg no. 01	20 th September 2023
Proposed plans and elevations	Dwg no. 02	20 th September 2023
Supplementary document		20 th September 2023

Report Dated 09/01/2024