

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

Reference no.	2023/HH/93084/E
Site Address	32, Hayburn Road, Healey, Batley, WF17 7HZ
Description	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 4m, the height of the eaves of the extension is 3m
Recommending Officer	Molly Storer

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: 24-Nov-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 of 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?	N/A
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?	The proposal is an end of terrace house, and the extension has a projection of 6 metres.
Does the proposal exceed 4 metres in height?	No- The maximum height of the extension is 4m
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.

Consultation start date: 18th October 2023

Consultation end date : 8th November 2023

1. Objections

One representation was received in response to the publication of this application.

The received representation was partially in support of the development . Within the representation the following considerations were raised:

- issues around the noise, a partitioning fence and a tree between the adjoining houses

Assessment - The requirements of the permitted development legislation with respect to this application for prior 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'.

Although issues around noise of the development and the erection of a new fence are issues to be raised between the individual homeowners an assessment will still be made on the impact on the amenity of all adjoining neighbours.

One of the 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

32 Hayburn Road is a two-storey, end of terrace dwelling in 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 a single storey rear extension. The extension projects 6m beyond the rear wall of the original dwellinghouse. The maximum height of the extension is 4m and the height of the eaves of the extension is 3m.

Assessment

As a representation was received, an analysis of the site has been carried out to assess the impact on the amenity of all adjoining neighbouring properties.

Impact on 34 Hayburn road

34 Hayburn road is a two-storey terrace dwelling adjoining the application site. The proposed development would be single storey and would project 6.00m from the rear elevation on the boundary of the two properties.

Occupants at No.34 have stated there to be material impacts in terms noise, an adjoining fence and a tree. However, the issues surrounding noise and the fence are to be decided between the two neighbours and in relation to the tree in email correspondence with the agent they stated that the shared boundary fence will be replaced, and the intention is to retain the tree as it is more than 3 metres away from the proposed extension and is not protected under a tree preservation order.

In terms of impact to amenity to 34 Hayburn road when considering SPD paragraph 5.6, it states that rear single storey extensions should not exceed 4 metres in height nor project more than 3 metres from the rear wall. In the case of this proposal the projection is greater than 3 metres, although the extension is no more than 4 metres in height.

In addition, the agent provided further justification though email correspondence to show the proposed roof form. This showed a dual pitched roof type and stated the extension would be 150mm from the boundary line meaning the gutter will be fully within the clients land in order to reduce the impact on the neighbouring garden. While the proposed extension will create additional massing on the boundary, particularly as the ground slopes away from the rear of the property, the orientation of the proposed extension will help to mitigate against any loss of sunlight. Firstly the dual pitch roof results in the highest point of the extension being significant away from the boundary resulting in a height of 3 metres at eaves level along the line of the boundary. While the eaves height is still significant it is noted that in summer months any overshadowing is limited to early morning hours with no overshadowing in winter months. Moreover, the dual pitch roof will mean the massing on the boundary will not be unduly imposing or overbearing to the degree the neighbour's amenity would be unreasonably harmed. Consequently it is considered the neighbours amenity is not unduly harmed.

There is concern over the scale of the proposed development in terms of its visual appearance and dominance when viewed from the public realm to the

rear of the property. However visual amenity is not a matter for consideration with this prior approval.

Impact on other neighbours

As there were no other neighbours on the boundary with No.32 no other neighbour letters were sent. This means that any other properties were considered to be sited, and at a sufficient separation distance such that it would not be detrimentally impacted upon as a result of overlooking, overshadowing or as a result of the overbearing / oppressive impact. The proposal is therefore considered to have an acceptable impact upon the amenity of the occupiers of other dwellings.

Conclusion

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

2. Recommendation

Approval for the following reason:

Due to the design consideration given to the neighbouring property there will be limited impact No.34 therefore, it is decided that the development would not be unduly overbearing and oppressive.

Report Dated:

24/10/2023
