

**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/93278/E

**Site Address 54, Craven Lane, Gomersal,
Cleckheaton, BD19 4QU**

**Description Prior approval for enlargement of
dwellinghouse by erection of
additional storey**

Recommending Officer Jennifer Booth

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:19-Dec-2023

OFFICER REPORT – 2023/93278

Site: 54 Craven Lane, Gomersal, BD19 4QU

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 54 Craven Lane, a detached bungalow in Gomersal, Cleckheaton. The property is constructed from both stone and brick with timber panel detailing and is designed with a gable roof form which is tiled. The dwelling has a hard standing at the front and enclosed garden at the rear.

2.2 There are dwellings of a similar age to the front and sides with a wooded area to the rear.

1. Proposed Development

3.1 The applicant proposes an additional storey to the existing building. The drawings indicate the eaves height would be increased from 2.2m to

4.6m and the roof would be raised from 4.2m to 6.5m to correspond with the same shape of roof as existing. The areas shown on plan include above the original house and above the rear extension.

3.2 The plans show the openings in the new front wall and rear elevation.

1. Relevant Planning History

None

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 30/11/2023 to comment
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1. One response received which raised no objections however it did question how scaffolding would be erected and how the neighbouring properties would be protected from falling debris. This is not a material planning matter.

1. Site Visit

7.1 A site visit was carried out 09/11/2023.

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) it is considered the proposed development accords within the limitations.

8.2 Class AA.2 of the GPDO requires conditions are satisfied and in particular condition (3) requires prior approval is obtained before beginning the development.

8.3 Criteria for prior approval are:-

(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(a) issued by the Secretary of State;

1. These matters are assessed below.

1. Assessment

9.1 Condition for prior approval seeks to provide limited protection in terms of existing visual and residential amenity. This is more or less consistent with Kirklees Local Plan policy LP24 and NPPF chapter 12 which aims to high standards of design and amenity.

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Impact on the amenity

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9.2 The adjacent neighbour to the south west – 52 Craven Lane occupies an elevated position relative to the host property. As such, the additional bulk and massing will not cause undue harm from overshadowing or overbearing. Furthermore, the arrangement of openings would not result in any overlooking.

9.3 The adjacent neighbour to the north east does occupy a slightly lower position. It is noted that there is a window in the side elevation of the neighbouring property. However, the house itself already has an impact on this window. The increase in height would not significantly increase the impact.

9.4 The proposed on the opposite side of the road – 37 Craven Lane, occupies an angled position relative to the host property with the road providing a physical separation. The spatial relationship is such that there would be no significant impact on the amenities of the occupiers of the property opposite as a result of the extension upwards proposed.

9.5 In terms of residential amenity, the proposed additional storey is considered not to impose any undue overshadowing, loss of privacy and light upon neighbouring properties and therefore consistent with the aims of Kirklees Local Plan policy LP24. Chapter 12 of the NPPF and House Extensions and Alterations SPD.

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The external appearance of the dwellinghouse

9.5 Paragraph 126 of Chapter 12 of the NPPF places good design as a fundamental pillar of sustainable development with paragraph 130 (b) aiming to ensure that developments are visually attractive as a result of good architecture. Policy LP24 of the Kirklees Local Plan also places great weight on good design and states that it should be the core of all proposals. Key Design Principle 1 states that extensions and alterations to residential properties should be in keeping with the appearance, scale, design and local character of the area and the street scene with Key Design Principle going on to say that extensions should not dominate or be larger than the existing house and should be in keeping with the existing building in terms of scale, materials and detail. Subparagraph 5.7 of the SPD states that careful consideration should be given to two storey and first floor extensions to bungalows as these can have a negative impact on the street scene and the area through changing the height, rhythm or form of a roof in relation to the rest of the street scene. The sub-paragraph continues and cites that increasing the height of the property by amending the roof pitch or eaves height will significantly affect the character and proportions of the street scene and is usually unacceptable where the roof pitches and height in the street scene are consistent.

9.6 Recent case law under *Cab Housing Limited v Secretary of State for Levelling Up, Housing and Communities & Anr.* Case Number: CO/2763/2021 has established that in paragraph AA.2(3)(a)(i) of the Act, 'impact on amenity' is not limited to overlooking, privacy and loss of light and in paragraph AA.2(3)(a)(ii) the control of the 'external appearance' of the dwellinghouse is not limited to impact on the subject property but also includes impact on neighbouring premises and the locality.

9.7 The proposed additional storey to the existing property will have the effect of markedly changing the character and appearance of the existing property. However, whilst the introduction of what appears to be a partial additional storey would create additional bulk and presence to all elevations, the surrounding properties are a mix of single & two storey dwellings. The increase in height therefore would not be wholly out of character with the wider street scene. This would be in line with KDP1 of the House Extension SPD which states that extensions and alterations should be in keeping with the appearance, scale, design and local character of the area and the street scene.

9.8 It is therefore considered that the proposed additional storey would not result in a relationship which is overly dominant or harmful in terms of the proportions of the original house and the appearance and design would relate well with neighbouring properties and wider area. The scheme is considered to be acceptable with regards to the fundamental core aims of good design set out in Chapter 12 of the NPPF, Policy LP24 of the Kirklees Local Plan and Key Design Principles 1 and 2 of the House Extensions and Alterations SPD.

Air traffic and defence asset impacts of the development.

9.10 The additional storey is not considered to impact upon any flight paths or cause any distraction to aircraft within the vicinity.

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Directions Relating to Protected Vistas dated 15th March 2012(a)

1. There are no Directions relating to protected vistas.

1. Recommendation

10.1 The proposed development is acceptable in terms of the councils remit to consider visual and residential amenity allowed by the GPDO and as such prior approval is recommended.

1. Decision Notice

Subject to conditions stated in paragraph AA.2 of Class AA, prior approval is granted.

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

Plan Type	Reference	Web ID	Date Received
Application form	•	957196	02/11/2023
Location plan	(20)002	1014961	02/11/2023
Existing plans	(EX)001	1014962	02/11/2023
Proposed plans	(20)001	1014960	02/11/2023

Report Dated

19/12/2023

