

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/93767/E

Site Address	43, Windmill Hill Lane, Emley Moor, Huddersfield, HD8 9TA
---------------------	--

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

Recommending Officer	Morgan Braithwaite
-----------------------------	---------------------------

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:14-Feb-2024

OFFICER REPORT – 2023/93767

Site: 43, Windmill Hill Lane, Emley Moor, Huddersfield, HD8 9TA

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 (amended) (GPDO).

2. Site

- 2.1 43, Windmill Hill Lane is a detached square shaped bungalow with a garden and drive to the front and substantial gardens to the rear
- 2.2 There are residential properties to the South and open fields surrounding the rest of the property

3. Proposed Development

- 3.1 The eaves height of the dwelling would be increase from 2.8m to 5.6m and the overall height of the dwelling would be increased from 5.7m to 8.6m. The walls would continue up in brick.

4. Relevant Planning History

- 4.1 No relevant planning history

5. Policy

National Planning Policy Framework

Chapter 12 – Achieving well designed places

Kirklees Local Plan

LP24 – Design

6. Representations

- 6.1 The proposal was advertised by neighbour notification letters giving neighbours till 29.01.2024 for comment. As a result of this, no representations were made.

7. Site Visit

- 7.1 A site visit has been carried out by the Local Planning Authority as part of the current planning application on 19.01.2024

8. Permitted Development

- 8.1 Permitted development rights have not been removed via any conditions attached to earlier planning permissions.
- 8.2 Class AA, Part 1 of the GDPO 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 with the limitations.
- 8.3 Class AA.2 of the GDPO requires conditions are satisfied and in particular condition (3) requires prior approval is obtained before beginning the development. Furthermore, the limitations set out exclude any windows in the side elevations or roof planes.
- 8.4 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 a Secretary of State:

These matters are assessed below.

9. Assessment.

Impact on the amenity and the external appearance

- 9.1 If extended upwards, the enlarged dwelling would not have a significant effect on adjacent properties in terms of loss of light, given the separating space between the properties. Furthermore, given there are no windows proposed in either side and the windows at the rear would overlook the applicants own garden area, there are no significant implications in terms of privacy. The nearest neighbour to the south of the applicant property is situated sufficient distance from the site not to cause overshadowing or loss of ambient light and as such would not be unduly affected by the works proposed.
- 9.2 The proposed extension will add significant bulk to the existing dwellinghouse resulting in a significantly larger appearance. However, it is noted that the properties in the area do have a mix of heights with predominantly buildings of two-storey dwellings. Consequently the scale of the increase would not be out of place in the wider area.
- 9.3 The Local Planning Authority can consider the external appearance of the front/principal elevation only in terms of its design and architectural features. The window proportions would be similar to others on the dwelling which can be seen at different angles in context with the front elevation. There are no concerns in terms of the front/principal elevation of the dwelling in terms of the design and detailing of the proposed ground floor.
- 9.4 It is appreciated that noise implications and disruptions would be unavoidable during construction. However, this is a transient effect which is not considered to be a reason to refuse the proposal. Moreover, condition AA.2(3)(b) requires the developer to provide a report on how construction noise, traffic, dust and vibrations will be mitigated.
- 9.5 There are no other nearby existing properties and as such the proposed development accords with the aims of Policy LP24 and Chapter 12 of the NPPF in terms of securing good quality standards of amenity.

Air traffic and defence asset impacts of the development

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

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

10. There are no Directions relating to protected vistas

11. Recommendation

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

12. Decision Notice

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

Plan Type	Reference	Date Received
Block Plan	1022259	21.12.2023
Location Plan	1022258	21.12.2023
Grouped Plans and Elevations – Proposed	1022256	21.12.2023
Grouped Plans and Elevations – Existing	1022255	21.12.2023

Report Dated: 13.02.2024