

**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.	2024/HH/90067/E
Site Address	120, Northway, Mirfield, WF14 0LT
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	Joanna Rednall

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: 21-Feb-2024

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 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?	No

Does the proposal exceed 4 metres in height?	No
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: 10 January 2024

Consultation end date : 31 January 2024

1. Objections

1.1 Two representations have been made as a result of the publicity.

- Concern over loss of light at neighbouring dwelling
- The extension would be overbearing, overlooking, and reduce the privacy currently enjoyed at neighbouring dwellings.

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’.

Chapter 12 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”. This is considered to be a useful frame of reference against which to assess this application.

Kirklees Local Plan policy LP24 also aims to achieve high quality design which is supported by the Council’s adopted Supplementary Planning Document – House Extensions and Alterations (“SPD”).

Site description

120, Northway is a mid-terrace dwelling located in Mirfield. The exterior walls of the dwellinghouse are faced in red brick. The property has a large enclosed rear garden with a small lawned garden to the front of the dwelling. The site is set within a predominantly residential area with residential dwellings of a similar style and design. Boundary treatments consist of mature hedging.

Description of proposal

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.

1. Assessment

As an objection 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 119 Northway, Mirfield

119, Northway is a two-storey terrace adjoining the application site on the north-east facing elevation. The proposed development would be single storey and would project 6 metres from the rear elevation of 120, Northway with a width across the full width of the host property. No. 119 has no planning history and is sited on the same ground level as the application property although the garden slopes away from the rear elevation of the property. It is also noted that the submitted elevational do not show the sloping land or the difference in floor and grounds levels at the rear of the property. Moreover, the measurement annotations on this drawing are not reflective of the description of maximum and eaves height and are likely not achievable in terms of ceiling heights given the step down into the garden area from the rear door. Consequently the proposed extension is assessed on the basis of the measurements as stated in the application form.

Occupants at No 119 have stated there to be material impacts in terms of overshadowing and overbearing impacting upon their amenity. 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 extension would be no more than 4 metres in height but would extend 6 metres along the shared boundary. It is acknowledged that the Permitted Development Order permits an extension beyond 3 metres in length although it is considered this only establishes the principle of a 6 metres extension in so far as amenity principles are considered acceptable. In addition, it has been acknowledged that No 119 and the application property while at the same land level with the rear elevations the slope of the garden would result in the eaves height increasing to approximately 3.65m at the end of the extension. The extension is also proposed to be constructed along the shared boundary of the properties which would likely

result in the removal of the existing hedge along the boundary which would have provided a small degree of screening. Given these factors, it is considered that the proposed development would result in a significant degree of solid brickwork along the shared boundary at a height no less than 3.6metres which is considered to result in an unduly overbearing and oppressive impact on No 119.

In addition, when considering SPD paragraph 4.17 in which assesses the impact of overshadowing on neighbouring properties with regard to the 45 degree guidelines. In this case, the 45 degree line from the nearest habitable window of No 119 would not be achieved following the proposed extension. It is therefore considered that the proposed development would cause detrimental harm to the level of natural ambient light currently received at 119, Northway.

In terms of loss of direct sunlight, paragraph 4.18 also suggests the orientation of the extension in relation to the suns path is a consideration that should be considered. In this case, sunlight calculator software has been used to assess potential the potential overshadowing of the development. As No 119 Northway is adjoined on the east-facing elevation, it is concluded that the proposed development would result in significant overshadowing on the rear amenity space and is considered to have an unacceptable impact upon the amenity of the occupiers of this dwelling.

Impact on 221, Northway

221, Northway is a two-storey terrace adjoining the application site on the south-west facing elevation. This dwelling has no planning history and is sited on the same ground level as the application property. As above it is considered the scale and location of the proposed enlargement would have an equally unacceptable impact upon the amenity of no. 221.

In terms of paragraph 4.17 of the Council's SPD, it is considered that the proposed development would not achieve the 45 degree line from the nearest habitable window of No 221 from the corner of the extension which would lead to a loss in ambient light at no. 221. In terms of direct sunlight and due to the orientation of the extension, direct light would not be lost beyond midday which would improve natural ambient lighting at no. 221. It is therefore concluded that while the proposed development would not cause detrimental harm to the level of natural light enjoyed within the rear amenity space of No 221 there would be some loss of natural ambient light during morning hours.

Impact on 164, Eastway

This property is 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 this dwelling.

Conclusion

It is therefore considered that the proposed development would cause an unacceptable degree of harm to the amenities of the occupiers of the adjacent properties by reason of the proposed extension leading to overbearingness on the shared boundaries, loss of light and overshadowing. It is considered that the proposed development would cause an unacceptable level of harm to the amenities of neighbouring properties contrary to Kirklees Local Plan policy LP24 and chapter 12 of the NPPF and is therefore recommended for refusal.

2. Recommendation

Refusal for the following reason:

It is considered that the proposed development would cause an unacceptable degree of harm to the amenities of the occupiers of the adjacent properties by reason of the proposed extension leading to overbearingness on the shared boundaries, loss of light and overshadowing. It is considered that the proposed development would cause an unacceptable level of harm to the amenities of neighbouring properties contrary to Kirklees Local Plan policy LP24 and chapter 12 of the NPPF.

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

Plan Type	Web Reference	Version	Date Received
Application form	1023830	-	10/01/2024
Location and Site Plans	1026765	-	10/01/2024
Elevations	1026766	-	29/01/2024

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The application was determined on the submitted information.

Report Dated:

19/02/24
