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/91902/E**
Site Address	**68, Lansdowne Close, Batley, WF17 0EZ**
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 3.95m, the height of the eaves of the extension is 2.9m**
Recommending Officer	**Joanna Rednall**

DECISION – PRIOR APPROVAL GRANT

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: 27-Aug-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 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 semi-detached by the extension has a projection of 6 metres.

Does the proposal exceed 4 metres in height?	No
Have permitted development rights been removed from the property?	Yes

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 : 9th July 2024

Consultation end date : 30th July 2024

1. **Objections**

1.1 Summary of representations: -

One representation was received following the statutory publicity. The material considerations raised are summarised as follows:

- Loss of light and devaluation of property
- Construction disruption
- Affect on boundary

1. **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'.

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

Site description

68, Landowne Close is a two-storey semi detached property located in Batley. To the side of the dwelling is a driveway with a lawned garden to the rear. The property benefits from a conservatory to the rear (ref: 2007/90121).

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 3.95m, the height of the eaves of the extension is 2.9m.

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 66, Lansdowne Close

66, Lansdowne Close is a two-storey semi detached dwelling adjoining the application dwelling. The proposed development would be single storey and would project 6.00m from the rear elevation on the boundary of the two neighbours. It appears from the property’s planning history and aerial imagery that this property has not been extended to the rear.

Due to this, occupants of No.66 have stated there to be material impacts in terms of loss of light. When considering paragraph 5.6 of the Council’s adopted House Extensions and Alterations SPD, 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 6 metres. 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. The agent provided further plans to show the eave height and proposed roof form. This showed a hipped roof type and a maximum eave height on the bordering side to be 2.9 metres, and it appears the proposed eave height is not significantly higher than the existing conservatory. When reviewing aerial imagery, it appears the garden of No.68 and No.66 rises towards the rear boundary approaching Carlinghow Lane.

With this being the case, it appears the extension would encroach into the sloped garden, thereby reducing the degree of brickwork along the shared boundary. This arrangement would therefore reduce the potential for any detrimental overbearing/ oppressive impact to occur from the 6m extension as a result of massing on the boundary.

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 66 would not be achieved following the proposed extension. While the 45-degree line may not be cut in terms of loss of direct sunlight, paragraph 4.18 also suggests the orientation of the extension in relation to the suns path should be considered. In this case, sunlight calculator software has been used to assess potential the potential overshadowing of the development. The extension would be sited to the north where there appears to be a limited amount of direct sunlight received due to the orientation of the semi-detached dwellings. In this case there may be limited overshadowing in the evening during winter and only marginally in evening hours during the summer months. Moreover and in terms of any loss of ambient light levels, the northern orientation and existing tree cover leads to a reduction in light levels in any event and the introduction of the extension would not result in any appreciable further loss of ambient light. Given these reasons, loss of light is not considered to be adequate ground for refusal in this case.

Impact on 70, Lansdowne Close

70, Lansdowne Close is a two storey semi-detached property adjoining the application site on the south-west facing elevation. A separation distance of approximately 8m is achieved between the two dwellings. The proposed extension is set off the shared boundary by approximately 4 metres. This neighbour is also set ahead of the application site. Due to these factors, No.70 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

Approval for the following reason:

It has been assessed that the proposal would have an acceptable impact upon the residential amenity of adjoining neighbours. For the reasons above,

the proposal is not considered to be unduly overbearing, overshadowing or oppressive upon the occupiers of No 66 and No 70 Lansdowne Close. It is therefore recommended for approval.

2. Recommendation

Prior Approval

This decision is based on the following details:

Plan Type	Web Reference	Version	Date Received
Application form	-	-	09/07/2024
Block/site plan and site location plan	-	-	09/07/2024
Existing and proposed elevations	-	-	08/08/2024

Report Dated: 21/08/2024