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.	**2024/CL/92573/E**
Site Address	**9, Long Moor Lane, Shelley, Huddersfield, HD8 8LY**
Description	**Prior approval for enlargement of dwellinghouse by erection of additional storey**
Recommending Officer	**Elenya Jackson**

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.

East Team

AUTHORISED OFFICER

Date:31-Oct-2024

Officer Report

Site: 9, Long Moor Lane, Shelley, Huddersfield, HD8 8LY

Proposal: Prior approval for enlargement of dwellinghouse by erection of additional storey

1. Summary

1.1 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].

2. Procedural Matters

2.1 9 Long Moor Lane is a detached bungalow with a render and red brick finish. The site has outside amenity area to the front and rear.

2.2 There are no properties immediately adjoining the site or within close proximity to the dwelling. The site is within the Green Belt and a Bat Alert Layer.

3. Proposed development

3.1 The applicant proposes an additional storey to the existing building. The drawings indicate that the eaves would be increased from 2.5m to 5.1m and the ridge of the roof would be increased from 5.8m to 8.4m. Therefore, the eaves and ridge heights would be increased by 2.6m and 2,6m respectively and therefore is within the requirements of the regulations which state that:

AA.1 (f) following the development the height of the highest part of the roof of the dwellinghouse would exceed the height of the highest part of the roof of the existing dwellinghouse by more then (i) 3.5 metres, where the existing dwellinghouse consists of one storey…..

3.2 The plans demonstrate that there would be window openings within first floor of the both the front and rear elevations with the openings aligned with the proposed alterations to the existing ground floor openings.

3.3 The submitted plans also indicate that there are parking spaces to the side

4. Relevant planning history

2024/92572: Prior notification for single storey rear extension. Prior approval not required.

5. Policy

5.1 National Planning Policy Framework – Chapter 12 – Achieving well designed and beautiful places

5.2 Kirklees Local Plan – Policy LP24 – Design

5.3 House Extensions and Alterations Supplementary Planning Document (SPD)

6. Representations

6.1 N/A

7. Site visit

7.1 Imagery held by the Local Planning Authority and photographs from a site visit along with Google Maps is considered sufficient to assess the impact of the development.

8. Permitted Development

8.1 Permitted development rights have not been removed via any conditions attached to any earlier permissions.

8.2 AA, Part 1 of the of the GPDO provides a deemed planning permission for additional stories to dwellinghouses subject to limitations and conditions. With regard to the limitations set out in paragraphs AA.1 (a) to (k) it is considered that the proposal does accord with all paragraphs.

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

8.4 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 the Secretary of State;

8.5 These matters shall be addressed below.

9. Assessment

Impact on amenity

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 the Kirklees Local Plan Policy LP24 and NPPF Chapter 12 which aims for high standards of design and amenity.

9.2 The increase in height would be above the existing ground floor elevations and as previously assessed, due to the separation distance between the application site and neighbouring dwellings, the increase in height is not considered to have a significant effect upon the amenities of any nearby properties.

9.3 The rear of the property faces the private amenity space of the dwelling, and the works would introduce new windows at a higher level of the existing house. The Council's House Extension SPD advises a separation distance of 21 metres between habitable room windows of opposite properties. In this instance the development is consistent with the SPD.

9.4 There are no properties directly in front of the dwelling.

9.5 There are no other nearby properties that would be affected by the development as such the proposed development accords with the aims of Policy LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF in terms of securing good quality standards of amenity.

<u>The external appearance of the dwellinghouse</u>

9.6 In terms of the impact of the proposal on the wider character of the area, the existing property is detached and has no buildings within its immediate building group. Although the proposed extension will add significant bulk to the main dwelling, whilst sporadic two storey properties are in the area and therefore to increase the overall height of the dwelling would not be out of character within the wider street scene.

9.7 Paragraph 131 of Chapter 12 of the NPPF places good design as a key aspect 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 Principe 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.

9.8 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.

9.9 The construction of an additional storey to the property would not be out of character with the locality whereby two storey properties are the predominant house type. There is an extant prior approval for a rear extension on the dwelling; however, it is considered that the proposal would not increase the scale of this extension. Therefore, this would be consistent with the aims of chapter 12 of the NPPF and Local Plan policy LP24. It is also considered that the proposed plans have overcome the previous concerns regarding design.

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.

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

9.11 There are no Directions relating to protected vistas.

10. Recommendation

10.1 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.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location plan	PL04- RevA		9TH Sept 2024
Proposed Elevations	PL02-REVB		9TH Sept 2024
Existing Elevations	PL01- RevA		9TH Sept 2024

Development within a Coal Mining Area

DEVELOPMENT LOW RISK AREA – STANDING ADVICE

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority