

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/92883/E

Site Address 112, Hopton Lane, Upper Hopton,
Mirfield, WF14 8JP

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

Recommending Officer Faiza Bano

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:04-Dec-2024

Officer Report

Site: 112, Hopton Lane, Upper Hopton, Mirfield, WF14 8JP

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

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].

Procedural Matters

112 Hopton Lane is a detached bungalow with a stone finish. The site benefits from an amenity area to the front and rear, a driveway and garage.

The application site has a neighbouring property to the East. The neighbouring property has a detached barn along the shared boundary line that was granted permission to convert it into a living accommodation in the year 2001. The site is within the Green Belt and a Bat Alert Layer on the KLP.

Proposed Development

The applicant proposes the erection of a first-floor extension over original dwellinghouse with associated internal and external works. The drawings indicate that the eaves height would be increased from 2.4 metres to 4.9 metres and the ridge of the roof would be increased from 4.6 metres to 7.1 metres. Therefore, the eaves and ridge heights would be increased by 2.5 metres and 2.5 metres 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 than (i) 3.5 metres, where the existing dwellinghouse consists of one storey.....

The plans and elevations demonstrate that there would be window openings within the first floor of both the front and rear elevations.

Relevant Planning History

Planning Ref: 2024/92853

Location: 112, Hopton Lane, Upper Hopton, Mirfield, WF14 8JP

Proposal: The proposal is for erection of single storey rear extension. The extension projects 5m beyond the rear wall of the original dwellinghouse. The maximum height of the extension is 3m, the height of the eaves of the extension is 3m

Decision: NANR - NOT REQUIRED

Decision Date: 2024-11-18

Planning Ref: 95/90778

Location: 112, HOPTON LANE, HOPTON, MIRFIELD.

Proposal: ERECTION OF EXTENSION TO BUNGALOW

Decision: FC - CONDITIONAL FULL PERMISSION

Decision Date: 1995-05-12

Planning Ref: 2000/93223

Location: HOPTON BROW, 102, HOPTON LANE, MIRFIELD, WF14 8JP.

Proposal: CONVERSION OF DETACHED BARN/GARAGE TO LIVING ACCOMMODATION AND 8 GARAGE FORECOURT WITH WORKSHOP

AND FLAT ANNEXED TO EXISTING DWELLING. ERECTION OF
EXTENSION AND ALTERATIONS TO DWELLING

Decision: FC - CONDITIONAL FULL PERMISSION

Decision Date: 2001-03-27

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)

Representations

- Neighbour Representations:
- Obscure views
- Impact privacy
- Fail to protect the character of the area, which includes many historic buildings.
- Residential amenity

Officer's Response

Planning policy does not aim to protect personal views from private residence but rather to protect visual amenity within the public realm. All other matters are considered within the officer report.

Site Visit

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.

Permitted Development

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

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.

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

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;*

These matters shall be addressed below.

Assessment

Impact on Amenity

Condition for prior approval seeks to provide limited protection in terms of existing visual and residential amenity. This is consistent with the Kirklees Local Plan Policy LP24 and NPPF Chapter 12 which aims for high standards of design and amenity.

The increase in height would be above the existing ground floor elevations and in the increase in height is not considered to have a significant effect upon the amenities of any nearby properties.

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.

There are no properties directly in front of the dwelling. 1A Hopton Hall Lane and 45 Hopton Lane are located beyond Hopton Hall Lane at a distance in excess of 50 metres with significant tree screening.

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 as the proposed windows do not face any habitable rooms.

Hopton Brow, 102 Hopton Lane – The building shares the boundary with the application site. The rear elevation of this property faces west looking into the amenity area of 112 Hopton Lane with one first floor window facing the existing gable end of 112 Hopton Lane. The additional increase in the height

of the gable would result in further massing on the boundary facing the opposite window resulting in some loss of light entering into this room. However, due to the orientation of the dwelling, the proposed first floor extension would not cause a loss of direct sunlight into this room or a significant loss of ambient light given the existing arrangement or close proximity to the gable.

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.

The External Appearance of the Dwellinghouse

In terms of the impact of the proposal on the wider character of the area, the existing property is detached. 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.

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 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.

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.

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. 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 Asses Impacts of the Development

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)

There are no Directions relating to protected vistas.

Recommendation

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
Block Plan	(20)003 - Existing and proposed block plans		09-Oct-2024

Plan Type	Reference	Version	Date Received
Grouped Plans and Elevations	(20)002 - Proposed plans		09-Oct-2024
Grouped Plans and Elevations	(EX)001 - Existing plans		09-Oct-2024
Location Plan	(EX)002 - Location Plan		09-Oct-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-authorit