

**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/92989/W
Site Address	38, Thornton Lodge Road, Thornton Lodge, Huddersfield, HD1 3JH
Description	Prior approval for enlargement of dwellinghouse by erection of additional storey
Recommending Officer	Jennifer Booth

DECISION – DETAIL 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:10-Dec-2024

Officer Report

[Website](#)

Site: 38, Thornton Lodge Road, Thornton Lodge, Huddersfield, HD1 3JH

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].

Officer Note: The plans submitted plans show the attached neighbouring property No. 36 on both the existing and proposed plans. It is important to note that this application relates solely to No. 38 and there is a separate application for the adjoining 36.

2. Procedural Matters

- 2.1 38 Thornton Lodge Road is a cream rendered mid terraced property with a small outside amenity space to the front. To rear it has a single storey rear extension which is linked by concrete block wall to an otherwise detached garage/outbuilding within a hardsurfaced rear amenity space and access facilitated by an access road serving the rear of 32-50 Thomas Street.
- 2.2 There are 3 no. properties within the terraced row. The properties are single storey in height and have tiled roofs. The surrounding area is predominantly residential with a Mosque located to the north-west. An

area of Urban Greenspace faces the property which is a play area known as Thornton Lodge Open Space.

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 approximately 2.7m to 5.6 metres and the ridge of the roof would be increased from approximately 5.1m to 8.1m. Therefore, the eaves and ridge heights would be increased by 2.9m and 3.0m 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.....

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 spaces for parking to the rear of the property.

4. Relevant planning history

4.1 2004/93740 – erection of single storey extension and dormers – approved

4.2 2021/90630 – erection of front and rear dormers - withdrawn

4.3 2021/94247 – prior approval for enlargement of dwelling by erection of additional storey – details approved

4.4 2023/91494 – variation of condition 1 for 2021/94247 – withdrawn

4.5 2024/90706 – prior approval for enlargement of dwelling by erection of additional storey - refused

4.6 For the adjoining property, 36 Thornton Lodge Road 2024/91701 - Prior approval for enlargement of dwellinghouse by erection of additional storey – granted

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 One letter of representation has been received which raises the following concerns:

- The extension would not be in keeping with the character of the area citing the unique design of the three bungalows – **Response:** *the impacts in terms of the area have been considered within the assessment. In summary, the majority of the street are two storey residences. The alteration of this property would not be a significant departure from the wider area. Furthermore, some limited weight can*

be attached to the recent permission for an additional floor for the adjoining 36 Thornton Lodge Road.

- Overshadowing of rear amenity space – **Response:** *The property has an extension and outbuilding at the rear which result in existing impacts on the amenity space of the adjoining 40 Thornton Lodge Road. The further extension proposed upwards would not increase the impacts on the adjoining dwelling.*
- Parking concerns – **Response:** *The property has existing parking to the rear with access and a garage. A sufficient provision is considered to be provided for this property.*

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 in 2021, the increase in height would be above the existing dwelling and given the orientation and size of the amenity spaces of the adjoining neighbours to each side, 36 and 40 Thornton Lodge Road, the increase in height is not considered to have a significant effect upon the amenities of either adjoining neighbour.

9.3 The rear of the property faces No's 44 and 48 Thomas Street and the works would introduce new windows at a higher level of the existing

house. However, as there is a ground level change falling from southwest to northeast and therefore Thomas Street properties are raised in ground level, the new windows would not offer any significant additional opportunity for overlooking. 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 opposite the front of the property.

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.

The external appearance of the dwellinghouse

9.6 In terms of the impact of the proposal on the wider character of the area, the existing property forms part of a terraced row of 3 no. bungalows. Whilst it is noted that permission has been approved previously, the resubmitted plans differ from that already approved in terms of design and also differ from the more recent refusal of prior approval. It is also noted that an additional floor has recently been agreed for the adjoining 36 Thornton Lodge Road with matching dimensions to the current proposal. Development of no. 36 has commenced according to Building Control records (ref: 2022/01692).

9.7 The proposed extension will add significant bulk to the existing dwellinghouse resulting in a significantly larger appearance. The properties within the terraced row of three dwellings are bungalows however in the main, 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. It is noted that commentary has been received in a representation citing the unique character of the row of bungalows. However, Officers consider that whilst the bungalows are an unusual feature in the street, they are not particularly unique in so far as the appearance should be preserved.

9.8 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.

9.9 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.

9.10 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.

9.11 It is proposed that the ground floor openings would be reconfigured within both the front and rear elevations whereby the upper floor openings would match those within the ground floor. 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

9.12 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)

9.13 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.

NOTE: This prior approval does not extend to permit the development to No. 36 Thornton Lodge Road as shown on drawing number MA103 Revision 1 dated 21/10/2024 and MA104.

Plans and specifications schedule:

Plan Type	Reference	Web ID	Date Received
Location plan	MA101 R 1	1062812	21/10/2024
Existing elevations and floor plans	MA102 R 1	1062811	21/10/2024
Proposed elevations and floor plans	MA103 R 1	1062813	21/10/2024
Site image and street scene	MA104	1062814	21/10/2024

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