

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/93520/E
Site Address	24, Smithy Close, Skelmanthorpe, Huddersfield, HD8 9DQ
Description	The proposal is for erection of single storey rear extension. The extension projects 5.5m beyond the rear wall of the original dwellinghouse. The maximum height of the extension is 3.9m, the height of the eaves of the extension is 2.8m
Recommending Officer	Molly Storer

DECISION – PRIOR APPROVAL REQUIRED AND GRANTED

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.

John Holmes

AUTHORISED OFFICER

Date: 24-Jan-2025

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 22 & 26 Smithy Close or 4 and 9 Birchfield Grove. It is therefore recommended for approval.

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?	The house is detached and will extend 5.5m behind the rear wall of the original dwellinghouse.
If the house is not detached and from the information submitted, does the extension extend more than 6 metres	N/A

from the rear of the original dwellinghouse?	
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 : 13th December 2024

Consultation end date: 3rd January 2025

1. Objections

1.1 Summary of representations: -

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

Objection 1:

- Loss of amenity due to the height and scale of the extension.
- Overlooking – especially to properties to the rear of the extension.
- The siting of security cameras and outdoor lighting be shielded from glare.

Objection 2:

- The slope of the land away from the rear of the property will result in the height of the extension above ground being greater than stated when considered at the extension limit furthest from the property.
- Impact to other properties.

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

24 Smithy Close is a single storey detached property located in Skelmanthorpe. The site benefits from garden amenity space to the front and rear and a large driveway to the front. The property benefits from an extension to the side (ref: 2011/90320).

Description of proposal

The proposal is for erection of single storey rear extension. The extension projects 5.5m beyond the rear wall of the original dwellinghouse. The maximum height of the extension is 3.9m, the height of the eaves of the extension is 2.8m.

As two objections were received, an analysis of the site has been carried out to assess the impact on the amenity of all adjoining neighbouring properties.

Impact on 26 Smithy Close

26 Smithy Close is a single storey, detached dwelling situated to the west the application dwelling. The proposed development would be single storey and would project 5.5m from the rear elevation of No.24. It appears from the property's planning history and aerial imagery No.26 has not been extended to the rear. However, in 2023 (application reference 2023/92367) planning permission was granted for a side extension to be built within 500mm of the shared boundary.

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 5.5 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 5.5 metres extension in so far as amenity principles are considered acceptable. The agent provided elevation drawings which showed the roof to be of a hipped roof design which would match the host property and would not have additional significant impact on the neighbour.

It is noted that the extension would maintain a separation distance of 4.72m to this property and would not be in closer proximity than the existing arrangement. In addition the low eaves height would reduce the potential for any detrimental overbearing/ oppressive impact to occur from the 5.5m extension as a result of massing near 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 26 would be achieved following the proposed extension. Given this, loss of light is not considered to be adequate ground for refusal in this case.

Impact on 4 and 9 Birchfield Grove

These properties are single storey detached properties located to the rear (north) of the application site.

Comments received explained that there was a slope of the land away from the rear of the property which could result in the height of the extension above ground being greater than stated when considered at the extension limit furthest from the property and as a result this could lead to a negative impact to neighbours to the rear.

The agent provided pictures of the site and elevation plans which show there is no significant slope to the rear of the site and in any case a separation distance of over 12m between the extension and the nearest property to the rear. It also shows the maximum overall height from the ground level will be 3.9m.

The proposed extension is set off the shared boundary by approximately 4.5 metres and due to an existing rear projection at the applicant property the proximity of the property to the boundary will only increase by 2.7m. Due to these factors, No.4 and 9 are 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 these dwellings.

Impact on 22 Smithy Close

This property is located to the east of the application site and will be screened by the existing rearward projection at the host property and will maintain a separation distance of 20m. This is considered to be a sufficient separation distance such that the extension 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 these neighbours.

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 22 & 26 Smithy Close or 4 and 9 Birchfield Grove. 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	-	-	13/12/2024
Location plan	2533-D-20-001	-	13/12/2024
Existing site/block layout	2533-D-20-002	-	13/12/2024
Proposed site/block layout	2533-D-20-003	-	13/12/2024
Existing and Proposed Elevations	2533 D 20 004	-	24/01/2025

Report Dated:

24/01/2025