

**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. 2025/CL/90085/E

**Site Address Homelea, The Knowle, Shepley,
Huddersfield, HD8 8EA**

**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.**

East Team

AUTHORISED OFFICER

Date:11-Mar-2025

Officer Report

Site: Homelea, The Knowle, Shepley, Huddersfield, HD8 8EA

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

Homelea, The Knowle is a detached bungalow with a stone finish. The site benefits from an amenity area surrounding the dwelling, a driveway and garage.

The application site has a neighbouring property to the northeast (Whinny Farm), southeast (31 The Knowle) and south (29, The Knowle and Knowle Cottage). Due to the topography levels, positioning and orientation of properties in this area, the neighbouring properties are over 20 metres away from any proposed window. The neighbouring properties do not follow a linear form and have a significant separation distance. The site is within a high-risk coal area and shows a Bat Alert and Twite Buffer 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 by 2.6 metres and the ridge

of the roof would be increased by 2.6 metres, resulting in an overall height of approximately 8.3 metres. Therefore, the eaves and ridge heights would be 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: 2004/92761

Location: HOLMLEA, THE KNOWLE, SHEPLEY, HUDDERSFIELD, HD8 8EA.

Proposal: ERECTION OF CONSERVATORY

Decision code: RF

Decision: RF - REFUSED

Decision Date: 2004-08-16

Planning Ref: 2006/92290

Location: HOLMLEA, THE KNOWLE, SHEPLEY, HUDDERSFIELD, HD8 8EA

Proposal: ERECTION OF CONSERVATORY

Decision code: FC

Decision: FC - CONDITIONAL FULL PERMISSION

Decision Date: 2006-07-17

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

No representations received.

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. The existing bungalow's eaves level is set lower than the eaves of surrounding properties.

Consequently, even after the additional storey is added, the eaves will remain lower, ensuring there is no impact on residential amenity. 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. 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.

There are no properties directly in front of the dwelling.

Due to the low topographical level of the building in comparison to the neighbouring properties and the orientation of the dwelling, the proposed first floor extension would not significantly harm the neighbouring properties or create issues regarding loss of outlook, light and will not be overbearing.

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
Proposed Elevation	1499-P1-202 - 2		14-Jan-2025
Proposed Elevation	1499-P1-201 - 1		14-Jan-2025
Proposed Floor Plans	1499-P1-101		14-Jan-2025
Proposed Site / Block Layout	1499-P1-002 - Wider_Context		14-Jan-2025
Proposed Site / Block Layout	1499-P1-001		14-Jan-2025
Location Plan	1499-LP		14-Jan-2025
Existing Elevations	1499-EX-201		14-Jan-2025
Existing Floor Plans	1499-EX-101		14-Jan-2025
Existing Site / Block Layout	1499-EX-001		14-Jan-2025
General	1499-PS - Planning_Statement		14-Jan-2025

Development within a Coal Mining Area

The proposed development lies within an area that has been defined by the Mining Remediation Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Mining Remediation Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure a suitable engineering design which takes account of all relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Mining Remediation Authority Policy in relation to new development and mine entries available at:

[Building on or within the influencing distance of mine entries - GOV.UK](#)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at: <http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

[What is a permit and how to get one? - GOV.UK \(www.gov.uk\)](#)

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required. Further information regarding Incidental Coal Agreements can be found here -

<https://www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements>

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Mining Remediation Authority on 0800 288 4242. Further information is available on the Mining Remediation Authority website at: [Mining Remediation Authority - GOV.UK](https://www.mra.gov.uk)