

**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/91906/W

**Site Address 35, Moor Park Avenue, Beaumont
Park, Huddersfield, HD4 7AL**

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

Recommending Officer Joshua Merriman

DECISION - REFUSED

**I hereby authorise the refusal 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:01-Sep-2025

Officer Report – 2025/91906

Site: 35, Moor Park Avenue, Beaumont Park, Huddersfield, HD4 7AL.

Development: 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, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) [GPDO].

The Site

The application site refers to 35, Moor Park Avenue, Beaumont Park, Huddersfield, HD4 7AL, a detached bungalow faced in stone, with a hipped tiled gable roof, and uPVC windows and doors. The application property is located in a uniform street scene, being surrounded by other bungalows of a similar size, scale, character, appearance, and age. Furthermore, the dwelling benefits from a hard-standing parking area and amenity space to the front, with a double garage attached to the side of the property, and garden space to the rear.

Proposed Development

The applicant proposes an additional storey as well as a single storey rear extension to the existing building. The additional storey proposed would raise the height of the principal existing single storey main body of the dwellinghouse by 2.55m.

Openings within the ground floor would be reconfigured with addition and amended openings proposed, with the appearance of the additional storey being considered to match the existing property.

It is noted that the proposed single storey rear extension element of this proposal cannot be applied for under this application type (Prior Approval Class AA), therefore, this has been removed from the proposal description and shall not be assessed in the remainder of this report.

Relevant Planning History

2019/92334 - Erection of rear single storey extension – Conditional Full Permission.

Policy

National Planning Policy Framework

Chapter 2 -Achieving Sustainable Development

Chapter 12 – Achieving Well Designed Places
Chapter 14 – Meeting the Challenge of Climate Change, Flooding, and Coastal Change
Chapter 15 – Conserving and Enhancing the Natural Environment

Kirklees Local Plan

LP1 – Achieving Sustainable Development
LP2 – Place Shaping
LP24 – Design
LP30 – Biodiversity and Geodiversity
LP51 – Protecting and Improvement of Local Air Quality

Other Material Considerations

House Extensions and Alterations Supplementary Planning Document –
Adopted June 2021

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise

Representations

The application has been publicised on the Councils website, and the publicity period for this application expired on 04/08/2025.

Objections

The following summarised objections were received:

- The development is out of character with the original building and surrounding street scene.

Officer Comment: This has been addressed in the ‘Visual Amenity’ section of this report.

- The additional bulk would dominate the whole area.

Officer Comment: This has been addressed in the ‘Visual Amenity’ section of this report.

- The additional storey would cause overlooking into most of the properties and gardens in the street, and overshadow some areas of neighbouring dwellings.

Officer Comment: This has been addressed in the ‘Residential Amenity’ section of this report.

- The traffic caused by the vehicles attending the construction of the property may hinder the movement of emergency services in and out of the street.

Officer Comment: This is not considered to constitute a planning matter.

- There could possibly be quite severe impacts upon highway safety due to the number of additional bedrooms being proposed in the dwelling.

Officer Comment: Given the application type (Prior Approval Class AA), the development can only be assessed on visual and residential amenity in this case.

Permitted Development

Class AA permitted development rights have not been removed via conditions attached to the earlier planning permission.

Class AA, Part 1 of the GPDO provides a deemed planning permission for additional stories to a dwellinghouse subject to limitations and conditions. With regard to the limitations set out in paragraph AA.1 (a) – (k) it is considered that the proposed development accords with the limitations.

Class AA. 2 of the GDPO requires that conditions are satisfied 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 2021 issued by the Secretary of State*

These matters are addressed below.

Assessment

Conditions for prior approval seeks to protect existing visual and residential amenity. This is consistent with Kirklees Local Plan Policy LP24 and Chapter 12 of the NPPF which aims to achieve high standards of design and amenity along with Key Design Principles 1, 2, 3, 4, 5, 6 and 9 of the House Extensions and Alterations SPD.

The land subject to the prior approval is designated as within a twice buffer in the Kirklees Local plan, however, as the relevant policies have been detailed within the 'Policy' section of this report there are no additional policies to consider.

Impact on Residential Amenity

The proposed development will add substantial massing and bulk to the property and with regard to protecting amenity of adjacent properties, significant bulk will be added to the existing North, East, and South facing walls which are adjacent to neighbouring properties. Paragraph 135 of the NPPF and LP 24 (b) along with Key Design Principles 1-6 of the House Extensions and Alterations SPD seek to retain high standards for future and neighbouring properties including maintaining appropriate distances between buildings. Paragraph 4.3 and sub-paragraphs 4.7 to 4.15 place significant weight on protecting existing properties from losses of residential amenity. In this case and by virtue of the retention of separation distances and maintaining the orientation of all involved properties in the street scene, this additional bulk would not result in any significant loss of light into any windows or amenity space to neighbouring properties. Furthermore, as there are no additional habitable windows proposed in the North and South elevation of the first floor, and the windows proposed in the East facing elevation are considered to be an adequate distance from neighbouring dwellings it is considered that there will be no adverse impacts on neighbouring properties with regard to overlooking and privacy in this regard.

The additional bulk and massing will have a towering effect on neighbouring properties which would appear more imposing than current arrangements. However, there are sufficient separation distances between the site and surrounding properties so as not to cause undue harm from overshadowing.

In terms of residential amenity, the proposed additional storey is considered not to impose any undue overshadowing, loss of privacy and light upon neighbouring properties and therefore consistent with the aims of Kirklees Local Plan policy LP24. Chapter 12 of the NPPF and House Extensions and Alterations SPD.

Impact on Visual Amenity

The proposed additional storey to the existing bungalow will have the effect of substantially changing the character and appearance of the existing property. The introduction of a full additional storey creates additional bulk and presence to all elevations when viewed from public vantage points which surround the site to all elevations.

Paragraph 126 of Chapter 12 of the NPPF places good design as a fundamental pillar of sustainable development with paragraph 135 (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 2 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. Sub-paragraph 5.7 of the SPD states that careful consideration should be given to two storey and first floor extensions to bungalows as these can have a negative impact on the street scene and the area through changing the height, rhythm or form of a roof in relation to the rest of the street scene. The sub-paragraph continues and cites that increasing the height of the property by amending the roof pitch or eaves height will significantly affect the character and proportions of the street scene and is usually unacceptable where the roof pitches and height in the street scene are consistent.

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 proposed development in this instance is simplistic in so far as the proposal is to add a storey onto the main body of the bungalow. This results in a significant change to the existing lines and proportions of the building resulting in an increase in roof line and how the building would be viewed from public vantage points surrounding the site. When currently viewing the property, it is a bungalow which is also surrounded by bungalows to the North, South, and East. The site also contains a double single storey garage which appears as a balanced extension to the North of the original dwelling.

Considering the above assessment, the proposed additional storey would result in an overly dominant feature that would be out of character with the existing property and within the street scene where the dwellings are single storey, resulting in considerable disruption to the character of the building and rhythm of the street scene. The alterations to the proportions of the building would also result in an overly prominent structure which would be out of keeping with the host and surrounding properties, contrary to Key Design Principles 1 and 2 of the House Extensions and Alterations SPD and Policy LP24 of the Kirklees Local Plan.

It is therefore considered that the proposed additional storey would be overly dominant and harmful to the proportions, appearance and design of not only the principal east facing elevation but also the dwelling as a whole,

neighbouring properties and wider street scene. This would be contrary to the fundamental core aims of good design set out in Chapter 12 of the NPPF, Policy LP24 of the Kirklees Local Plan and Key Design Principles 1 and 2 of the House Extensions and Alterations SPD.

Air Traffic and Defence

Crosland Moor Aerodrome is approximately 738m West of the proposed development. By virtue of the distance to the aerodrome, and the relatively small scale development in context of air traffic, the proposal is not considered to have any impact on the flight paths of aircraft or introduce any distraction to pilots. There are no defence assets within the vicinity of the development.

Directions Relating to Protected Vistas dated 15th March 2021

There are no directions relating to protected vistas.

Recommendation

In conclusion it is considered that the proposed additional storey would be overly dominant and harmful to the proportions, appearance and design of the original dwelling as well as neighbouring properties and the wider street scene. This would be contrary to the fundamental core aims of good design set out in Chapter 12 of the NPPF, Policy LP24 of the Kirklees Local Plan and Key Design Principles 1 and 2 of the House Extensions and Alterations SPD.

Refusal to grant prior approval is therefore recommended.

Decision Notice

In conclusion it is considered that the proposed additional storey would be overly dominant and harmful to the proportions, appearance and design of the original dwelling as well as neighbouring properties and the wider street scene. This would be contrary to the fundamental core aims of good design set out in Chapter 12 of the NPPF, Policy LP24 of the Kirklees Local Plan and Key Design Principles 1 and 2 of the House Extensions and Alterations SPD.

This decision is based on the following plan(s):-

Plan Type	Reference	Version	Date Received
Location Plan	-	-	10/07/2025
LOCATION PLAN SITE ARRANGEMENT PLAN	PAD.220.387	-	10/07/2025
EXISTING FLOOR PLAN ELEVATIONS	PAD.220.385	-	10/07/2025
PROPOSED FLOOR PLANS AND ELEVATIONS	PAD.220.386	-	10/07/2025
Application Forms	-	-	10/07/2025

Design and Access Statement	-	-	10/07/2025
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Dated: 14/08/2025