

**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.	2018/HH/91225/E
Site Address	3 Corn Mill Cottage, Corn Mill Bottom, Long Lane, Shelley, Huddersfield, HD8 8JJ
Description	The proposal is for erection of single storey rear extension. The extension projects 8m beyond the rear wall of the original dwellinghouse. The maximum height of the extension is 4m, the height of the eaves of the extension is 3.7m
Recommending Officer	Ian Thomas

**DECISION - WITHDRAWN – PROPOSAL DOES NOT ACCORD WITH
CONDITION A.4**

**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: 16-May-2018

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 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?	No
If the house is not detached and from the information submitted, does the extension extend more than 6 metres from the rear of the original dwellinghouse?	N/A
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 : 13 – 4 - 2018

Consultation end date : 4 – 5 - 2018

1. Objections

2.1 Summary of representations:-

In response to this application, a total of 3 representations have been received. All of which are against the proposal. A summary of the concerns include:

- Inaccuracies on the plans submitted
- The proposal fails to maintain the character of the area
- The proposal is not in keeping with surrounding neighbouring properties
- Detrimental affect towards local amenity
- The proposal doesn't comply with permitted development legislation (Primarily with respect that the development has commenced on site).

2. Assessment

Description of Proposal

The proposal is for erection of a single storey rear extension. The extension projects 8m beyond the rear wall of the original dwellinghouse. The maximum height of the extension is 4m, the height of the eaves of the extension is 3.7m.

Permitted Development Guidance

As a number of representations were received, a site visit was required to assess the impact upon amenity towards neighbouring properties.

The site visit was undertaken on 10th May, 2018 and photographs were acquired, which appear to confirm that works have commenced on site.

Taking into consideration relevant legislation from the (General Permitted Development) (England) Order 2015 as amended, Schedule 2, Part 1, Class A.4 (10)

(10) The development must not begin before the occurrence of one of the following –

(a) the receipt by the developer from the local planning authority of a written notice

that prior approval is not required;

(b) the receipt by the developer from the local planning authority of a written notice

giving their prior approval; or

(c) the expiry of 42 days following the date on which the information referred to in

Sub paragraph (2) was received by the local planning authority without the local

planning authority notifying the developer as to whether prior approval is given or

refused.

As photographic evidence confirms, the development appears to have commenced without the occurrence of one of the above. Consequently the development cannot be undertaken by virtue of this “prior notification” application and must therefore be considered unauthorised if works commence pursuant to Class A.

Acknowledging this, following a conversation with the applicants’ agent the decision has been to withdraw this proposal.

3. Recommendation

Application withdrawn

Report Dated:

15 – 5 - 2018
