

**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.	2019/HH/91197/W
Site Address	29, Pike Law Lane, Scapegoat Hill, Huddersfield, HD7 4PL
Description	The proposal is for erection of single storey rear extension. The extension projects 6.4m 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 2.3m
Recommending Officer	Callum Harrison

DECISION – PRIOR APPROVAL NOT REQUIRED

**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: 20-May-2019

OFFICER RECOMMENDATION

2019/91197

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?	No
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: 09/04/2019

Consultation end date: 30/04/2019

2. Objections

No objections received

3. Assessment

It is noted the proposed extension attaches to the existing roof place and not permitted by virtue of paragraph (k) of Class A, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015(as amended) unless it can be permitted elsewhere within the Order.

Page 30 of the published Department for Communities and Local Government Technical Guidance – Permitted development rights for householders, states *the alterations to the existing roof of the house will need to meet the requirements of Class B or C (as appropriate) in order to be permitted development.*

Class B of the Order grants a general planning permission for roof enlargements subject to limitations, particularly a maximum enlargement of 50 cubic metres over the original roof space. In this case the property was enlarged in 2014 resulting in an additional 35 cubic of roof space. The further enlargement of roof space would exceed the maximum 50 cubic metres and as such the proposed extension cannot benefit from rights provided by Class B.

Class C permits other alterations to the roof of a dwellinghouse subject to limitations, particularly a maximum protrusion of 0.15 metres beyond the original roof slope. However, the technical guidance states *this limitation to projection from the roof plane should not be applied in cases where the roof of an extension to a house that is permitted development under Class A is joined to the roof of the original house.* In light of this guidance, a refusal of the proposed extension on this basis is not well founded.

4. Recommendation

Prior approval is not, therefore, required.

Report Dated:

20/05/18
