

**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/94078/E
Site Address	2, Elm Way, Birstall, Batley, WF17 0EQ
Description	The proposal is for a single storey rear extension. The extension projects 4m beyond the rear wall of the original dwellinghouse. The maximum height of the extension is 2.8m. The height of the eaves of the extension is 2.55m.
Recommending Officer	Olivia Roberts

DECISION - REFUSAL

**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: 23-Jan-2020

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?	Yes – Whilst the submitted block and floor plans show the extension within the curtilage of the dwellinghouse, the submitted elevations appear to show to extension projecting beyond the boundary to the south west
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?	N/A
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
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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 : 19th December 2019

Consultation end date : 09 January 2020

1. Objections

2.1 One representation has been made in objection to the proposal. As a summary of the key points raised are:

- Appears that the extension is to be built beyond the boundary of the site

2. Assessment

Site Description

2 Elm Way is a semi-detached bungalow which occupies a corner plot between Elm Way and Ashfield Road. It is constructed in brick and is designed with a gable roof form which is staggered on both the front and rear elevation and is finished in concrete roof tiles. The dwelling benefits from a garden area to the front and side and amenity space with a detached garage and driveway to the rear.

Development Description

The proposal is for the erection of a single storey rear extension. The extension would project 4m beyond the rear wall of the original dwellinghouse. The maximum height of the extension would be 2.8m; the height of the eaves would be 2.55m.

Permitted Development Rights

Part 1, Class A of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) grants a general planning permission for householder development subject to a number of limiting criteria.

The property is designed with a staggered gable roof form with the existing kitchen projecting an additional 0.60 metres to the rear than the rest of the dwelling. After a review of historic maps, it has been noted that this is part of the original design of the property. The proposal therefore extends beyond the side elevation of this original part of the dwellinghouse and would have a width greater than half the width of the original dwellinghouse. As such, the proposal exceeds the limitation in paragraph A.1 (j) of Class A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).

Within Class A, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) paragraph (j) states that development is not permitted if “the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse and would – (iii) have a width greater than half the width of the original dwellinghouse”.

In addition, from the submitted elevation plans, it is evident that the eaves height of the extension would exceed that of the original dwellinghouse. As such the proposal would exceed the limitation in paragraph A.1 (d) of Class A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).

With Class A, Part 1 of the Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) paragraph (d) states that development is not permitted if “the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse.”

The proposed extension would extend from the original side wall of an existing projection on the property and would exceed half the width of the original dwellinghouse. The eaves height of the extension would also exceed that of the host dwellinghouse. The proposal therefore fails to meet the criteria of the General Permitted Development Order 2015, Schedule 2, Part 1, Class A paragraph (d) and paragraph (j).

There is no need to further assess.

3. Recommendation

Refuse.

Report Dated:

22/01/2020