

**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.	2020/HH/93242/W
Site Address	49, Birkby Lodge Road, Birkby, Huddersfield, HD2 2BE
Description	The proposal is for erection of single storey extension. The extension projects 6m beyond the rear wall of the original dwellinghouse. The maximum height of the extension is 3.95m, the height of the eaves of the extension is 2.95m
Recommending Officer	Lucy Taylor

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: 17-Nov-2020

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?	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

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 : 2nd October 2020

Consultation end date : 23rd October 2020

1. Objections

No objections received

2. Assessment

Historical imagery held by the Council shows the existing rearward projection to be an original part of the dwellinghouse. As such, the side wall of the projection would be considered an original side wall and the proposed development extends beyond this side wall. As a result of this the proposal is more than half the width of the original dwellinghouse and therefore is contrary to paragraph (j) of Class A, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015(as amended).

Consequently and while you have not been notified of prior approval in accordance with condition A.4 of Class A, the development cannot be considered to benefit from a general planning permission under the General Permitted Development Order and therefore requires full planning permission upon application to the Local Planning Authority.

3. Recommendation

Advise that planning permission is required.

Report Dated:

16.11.20
