

**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/94127/E
Site Address	53, Thorncliffe Road, Staincliffe, Batley, WF17 7AS
Description	The proposal is for erection of single storey rear extension. The extension projects 6.3m 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 4m
Recommending Officer	Tom Hunt

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: 11-Jan-2021

The proposed enlargement as shown on submitted plans is a part subterranean two storey extension projecting 6.3 metres beyond the rear elevation of the dwellinghouse with an eaves height of 4 metres above ground level. The proposed enlargement therefore fails to comply with paragraphs (h) and (i) of Class A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) and **cannot** benefit from a general planning permission.

Development within a Coal Mining Area

DEVELOPMENT LOW RISK AREA – STANDING ADVICE

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

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 : 02/12/2020

Consultation end date : 23/12/2020

2. Objections

No objections have been received.

3. Assessment

Site Description

53 Thorncliffe Road is a two storey detached property in Batley. It is constructed of stone with gable slate tiled roof with a pedimented gable end dormer. There is a two storey bay windowed front extension. The front yard is bounded by low stone walls and a driveway leading up to a detached garage to its left. It has a long narrow rear garden.

Development Description

The proposal is for erection of semi subterranean two storey rear extension. The extension projects 6.3m 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 4m.

The extension is 4m from the ground level however it has a lower ground storey which would mean a maximum height of 5.67m approximately.

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 criterion stated at paragraph A.1 h) states that development is not permitted “if the enlarged part of the dwellinghouse would have more than a single storey”

and -

i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or

(ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse

The proposal would have a projection of 6.3m from the rear wall of the original dwellinghouse. The proposal therefore fails to meet the criteria of the General Permitted Development Order 2015, Schedule 2, Part 1, Class A paragraph h).

The criterion stated at paragraph A.1 (i) states that development is not permitted if “the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres”

Where any part of a proposed extension to a house is within 2 metres of the boundary of its curtilage, then the maximum height of the eaves that is allowed for the proposal is 3 metres. The proposed extension would be 4m height above ground level and therefore the proposal fails to meet the criteria

of the General Permitted Development Order 2015, Schedule 2, Part 1, Class A paragraph i).

4. Recommendation

Refuse

Report Dated:

07/01/2021