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.	**2021/HH/94759/W**
Site Address	**46, Spaines Road, Fartown, Huddersfield, HD2 2SD**
Description	**The proposal is for erection of single storey rear extension. The extension projects 6m beyond the rear wall of the original dwelling house. The maximum height of the extension is 3.4m, the height of the eaves of the extension is 2.1m**
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: 08-Feb-2022

By reason of an original rear projection the proposed extension would extend beyond a wall which forms part of the original side elevation of the dwellinghouse and would have a width greater than half the width of the original dwellinghouse. The proposal therefore contrary to schedule 2, Part 1, Class A, paragraph (j) of the Town and Country (General Permitted Development)(England) Order 2015 (as amended).

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?	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 : 28/12/2021

Consultation end date : 26/01/2022

1. **Objections**

No objections received.

2. **Assessment**

No requirement to assess as no representations received.

Historic imagery from 1922 and 1955 indicates that the original dwellinghouse benefits from a projection approx. 3.3m by 2.7m on the rear elevation (also set out on received plans) which has side elevations. This element shall therefore be considered as part of the original dwellinghouse in the assessment of this application. The proposed extension would extend beyond the side elevation of this original part of the dwellinghouse and would have a width of 6.455 metres. The width of the original dwellinghouse is 6.455 metres based on the submitted plans. As such, the extension would exceed half the width of the original dwellinghouse.

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”.

The proposed extension would extend beyond a wall which forms part of the original side elevation of the dwellinghouse, being the side elevation of the rearward projection, and would have a width greater than half the width 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 (j).

3. Recommendation

Refuse

Report Dated: 08/02/2022