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.	**2022/HH/91957/E**
Site Address	**34, School Lane, Dewsbury Moor, Dewsbury, WF13 4DU**
Description	**The proposal is for erection of single storey rear extension. The extension projects 7m 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 3m**
Recommending Officer	**Nina Sayers**

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: 18-Jul-2022

The proposed rear extension would not benefit from a general planning permission under Class A, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015(as amended) as the enlarged part of the dwellinghouse would extend beyond the rear wall of the original dwellinghouse by more than 6 metres, contrary be paragraph (g).

Development within a Coal Mining Area

DEVELOPMENT HIGH RISK AREA - INFORMATIVE NOTE

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place.

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:
www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is 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?	Yes
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 : 08/06/2022

Consultation end date 29/06/2022

1. Objections

2.1 Summary of representations: None received.

2. Assessment

34 School Lane is a two-storey, semi-detached dwelling in Dewsbury Moor. The submitted plan for this application demonstrates that the proposed extension would project 7 metres out the rear elevation of the host dwelling. A detached dwellinghouse is considered to be a property which does not adjoin any other property. The south-eastern side elevation of 34 School Lane adjoins the neighbouring 32 School Lane therefore, this property could not be classed as a detached dwellinghouse.

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 1, Class A paragraph (g) states that development is not permitted if 'the enlarged part of the dwellinghouse would have a single storey and – (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse'

In this case it is evident the proposed enlargement would extend beyond the rear wall of the original dwellinghouse by more than the permitted 6 metres and as such fails to accord with the General Permitted Development Order.

3. Recommendation

As a result, permitted development rights cannot apply so full planning permission is required. Refusal is recommended.

The proposed rear extension would not benefit from a general planning permission under Class A, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015(as amended) as the enlarged part of the dwellinghouse would extend beyond the rear wall of the original dwellinghouse by more than 6 metres, contrary be paragraph (g).

Report Dated: 11/07/2021