

**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/92024/E
Site Address	19, Howard Street, Batley, WF17 6AA
Description	The proposal is for erection of single storey rear extension. The extension projects 6m 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 3.7m
Recommending Officer	Alice Downham

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: 21-Jul-2022

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 : 15/06/2022

Consultation end date : 06/07/2022

1. Objections

Summary of representations:-

None

2. Assessment

The application states on the application form that the eaves height would be 3.7m above natural ground level. The submitted plans indicate a drop in land levels from the front of the property to the rear thus increasing the height of the proposed extension. The submitted plans confirm the eaves height is 3.7m and that also the proposed extension is sited along the common boundary with the adjoining property. Given the height of the eaves and proximity within 2m of the curtilage boundary the proposed extension exceeds the criterion in sub-paragraph (i) of Class A, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015(as amended) which states 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"*. As such and by virtue of sub-paragraph (3) of paragraph A.4 of the same Order the Local Planning Authority may refuse the application.

3. Recommendation

The proposed extension is considered not to benefit from a general planning permission under Article 3(1) and Class A, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) as the height of the eaves and proximity to the boundary is contrary to sub-paragraph (i) of Class A.

Recommended for refusal.