# 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**

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| **Reference no.** | **2022/HH/93432/E** |
| **Site Address** | **38, The Crofts, Emley, Huddersfield, HD8 9RU** |
| **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 2.9m, the height of the eaves of the extension is 2.9m** |
| **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: 30-Nov-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

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| 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 |

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| 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 : 19/10/2022

Consultation end date : 09/11/2022

## 1. Objections

One representation was received in response to this application. It made the following comments:

- Access to rear of properties is shared
- Request free, safe and unobstructed access to the neighbouring property
- Contractors cannot use our property for access at any time.

*Response: the granting of planning permission does not override any private rights of ownership.*

- Any damage caused to stone paving or Boundary fence to be put right.
- We would like a Dilapidation Survey prior to the commencement of work

*Response: These are civil matters and are not material planning considerations.*

These comments are not material planning considerations for an application of this scale and do not raised concerns regarding residential amenity and neither to they object to the proposal but rather ask for a number of conditions. It is therefore considered an amenity assessment is not required as the representation is not viewed as an objection. However, the proposed enlargement will still be assessed against permitted development limitations.

## 2. Assessment

38 The Crofts is a single-storey, semi-detached dwelling in Emley. The submitted plans and information show that the proposed extension would have an eaves height of 2.9 metres which would be higher than the eaves height of the existing dwelling (2.5 metres).

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 1, Class A paragraph (d) states that development is not permitted if 'the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse'.

In this case it is evident the eaves height of the proposed enlargement would protrude above the eaves height of the existing dwellinghouse 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 eaves height of the proposed extension would exceed the eaves height of the existing dwellinghouse, contrary to sub-paragraph (d) of Class A.

**Report Dated:** 29/11/2022