

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/94080/E
Site Address	64, Wilson Wood Street, Batley, WF17 7LE
Description	The proposal is for erection of single storey rear extension. The extension projects 3.47m beyond the rear wall of the original dwellinghouse The maximum height of the extension is 3.5m, the height of the eaves of the extension is 2.5m
Recommending Officer	Alice Downham

DECISION -

**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: 31-Jan-2023

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?	Yes. Under 94/94097 which granted permission for residential development, permitted development rights were removed for the creation for the creation of new openings and the erection of extensions or porches (condition 10 in the decision notice).
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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 : 21st December 2022

Consultation end date : 11th January 2023

1. Objections

No objections have been received.

2. Assessment

Permitted development rights for extensions were removed from the property by virtue of condition 10 imposed on planning permission reference 94/94097. Article 3(4) of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) precludes any development which would be contrary to any condition imposed on the grant of a planning permission. Therefore, the proposal cannot be permitted under the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).

3. Recommendation

Refused.

Report Dated: 27/01/2023

