

**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**

<b>Reference no.</b>	<b>2023/HH/91204/W</b>
<b>Site Address</b>	<b>Hawcote Lodge, Haw Cote, Holme Lane, Slaithwaite, Huddersfield, HD7 5XD</b>
<b>Description</b>	<b>The proposal is for erection of single storey rear extension. The extension projects 4.5m beyond the rear wall of the original dwellinghouse. The maximum height of the extension is 2.60m, the height of the eaves of the extension is 2.4m</b>
<b>Recommending Officer</b>	<b>Luke Walstow</b>

**DECISION – PRIOR APPROVAL NOT REQUIRED**

**I hereby authorise the approval 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: 19-Jun-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?	No
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?	N/A
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.

Due to the application site not sharing a neighbouring boundary with other properties, no neighbourhood letters were produced.

## **1. Objections**

None Received

## **1. Assessment**

No requirement to assess as no objection received.

However, the applicant's location plan annotates the north elevation to be the front of the property although there is no supporting evidence to demonstrate this was the principal elevation of the original dwellinghouse. The Council's historic maps indicate the footprint of the building is unchanged from 1922 to the present day although previous planning permission reference 98/93485 suggest the original property was enlarged with a two storey extension. Photographs held on planning permission reference 2017/90525 assist in how the property has evolved over the years and indicate a single storey element of the building existed on the west elevation. There is no contrary evidence to suggest this was not the layout of the original dwellinghouse and as such it can be seen the south elevation consisted of a two storey gable with a single storey gable to the south of the property. Two window openings appear to have existed at ground floor with one on the first floor. Whilst this elevation faces the highway serving the property there are no features or entrances to suggest this was, as a matter of fact and degree, what could be considered a principal elevation. The photographs also indicate the original south elevation only included one small ground floor window with two first floor windows largely obscured by the roof slope of the single storey part. The north elevation is largely devoid of any meaningful design features other than the chimney stack on the gable wall.

The east elevation of the property is in contrast well presented with a neat double fronted appearance with symmetrical window proportions which can be seen from approaches to the property on Holme Lane. The two chimney stacks on each gable wall act as bookends to give the south elevation an appearance as the main elevation with architectural features which would normally to considered to constitute the front of the house. While this elevation is orientated away from the highway it can still be clearly seen from the approaches on Holme Lane

and as such is considered likely to have been the principal elevation of the original dwellinghouse contrary to the applicant's suggestion. This in turn makes the south elevation the rear of the original property.

Under these circumstances and without evidence to suggest otherwise it appears the proposed extension does wrap around part of the rear elevation and along the side albeit the rear projection is only 3.8 metres and as such may not require prior approval. Notwithstanding the above this is not a formal determination on this point as paragraph A.4, Part 1, Class A of Schedule 2 of the Town and Country (General Permitted Development) (England) Order 2015 (as amended) only provides for the LPA to refuse a prior approval application if in the opinion of the LPA the proposed development does not comply with the relevant conditions and limitations in Class A. If the applicant wishes the Local Planning Authority to take a formal determination on the lawfulness of the proposed development they may wish to seek a certificate of lawfulness under the provisions of Section 192 of the Town and Country Planning Act 1990.

## **2. Recommendation**

Prior approval is therefore not required

**Report Dated:** 12/06/2023