

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.	2024/HH/90069/W
Site Address	14, Lincroft Avenue, Dalton, Huddersfield, HD5 8DS
Description	The proposal is for erection of single storey rear extension. The extension projects 5.1m beyond the rear wall of the original dwellinghouse. The maximum height of the extension is 3m, the height of the eaves of the extension is 2.8m
Recommending Officer	Molly Storer

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-Feb-2024

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 - the extension projects 5.1m beyond the rear wall of the original dwellinghouse.
Does the proposal exceed 4 metres in height?	No - The maximum height of the extension is 3m
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 : 11 January 2024

Consultation end date : 01 February 2024

1. Objections

1.1 Summary of representations: -None received.

1. Assessment

The proposed extension projects from the rear of the original dwellinghouse by 5.1 metres along part of the rear elevation and 3 metres beyond an existing part rearward projection. The Council's historical imagery dated 1958 indicates the existing rearward projection was original to the dwellinghouse. To further support this evidence is that the properties along Lincroft Avenue all have the same rearward projection indicating the original housing was built to a standardised house type. It can be seen from the existing projection that it is of sufficient scale and attachment to indicate the projection is part of the dwellinghouse and thus forms part of the original dwellinghouse.

The rearward projection therefore includes a side wall forming a side elevation of the original dwellinghouse when having regard to the Government's householder guide to permitted development rights (2019). Sub-paragraph (j), Class A, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) provides that development is not permitted under Class A where the extension which extend beyond a side elevation of the original dwellinghouse and has a width greater than half the width of the original dwellinghouse. In this case the submitted plans indicate the proposed extension extends along the whole rear elevation of the property and is therefore contrary to paragraph (j) of Class A and as such cannot benefit from a permitted development.

2. Recommendation

Refused

The proposed enlargement does not 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 the rear projection also extends beyond a side wall of the original dwellinghouse and has a width greater than half the width of the original dwellinghouse contrary to sub-paragraph (j) of Class A.

This decision is based on the following details(s):-

Plan Type	Reference	Version	Date Received
Location Plan	-	-	11 January 2024
Proposed block layout plan	-	-	11 January 2024
Proposed and existing floor plans	2023/434/02	-	11 January 2024

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The application was determined on the submitted information.

Report Dated:

16/02/2024