

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/91407/E
Site Address	11, Northfield Avenue, Lockwood, Huddersfield, HD1 3SH
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 3.2m, the height of the eaves of the extension is 2.96m
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: 27-Jun-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 of 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?	The house is a terrace house and the extension will project 6m beyond the rear wall of the original dwellinghouse.
Does the proposal exceed 4 metres in height?	No

Have permitted development rights been removed from the property?	Yes
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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 : 20th May 2024

Consultation end date : 10th June 2024

1. Objections

2.1 Summary of representations:- None received.

2. Assessment

The property's planning history and aerial imagery shows that a single and two storey rear extension was erected under planning permission 2012/91566. Condition 4 of this decision notice removed PD rights for new doors or window openings in the external walls of the building.

3. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Act or Order with or without modification) no new door or window openings other than those expressly authorised by this permission shall be constructed in the external walls of the building at any time without the prior written approval of the local planning authority.
Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy BE14 of the Unitary Development Plan.

However, this condition does not impact the current proposal meaning that PD rights remain for this property for the erection of an extension. In addition, although there is previous development to the rear of the property, the additional extension will not result in an extension that projects more than 6m from the rear of the original dwellinghouse therefore is deemed acceptable.

However, sub- paragraph (ja) of Class A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015(as amended) provides that where proposed enlargements adjoin an existing enlargement to the original dwellinghouse then both the existing and proposed enlargement are to be considered as one enlargement for the purposes of assessing sub-paragraphs (e) to (j). In this instance, the combined two and single storey enlargements would have more than one storey and project 6 metres from the rear of the dwellinghouse and be within 2 metres of the boundary with an eaves height in excess of 3 metres contrary to sub-paragraphs (h) & (i).

4. Recommendation

Refusal.

Report Dated: 25/06/2024