

Planning Statement_

Prior Approval_ Residential Extension

124 Slades Road
Bolster Moor
Huddersfield
HD7 4JR

September 2024

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1.0 Introduction_

- 1.1 This Planning Statement (the 'statement') has been drafted on behalf of the Applicant, J Frost ('the Applicant'), to support a Prior Approval for larger extension application for Proposed Development for the following:

'Prior Approval for the erection of a single storey rear extension at 124 Slades Road, Bolster Moor, HD7 4JR.'

- 1.2 This prior approval application seeks to secure agreement for the erection of a single storey rear extension under the provisions of Schedule 2, Part 1, Class A of the General Permitted Development Order.
- 1.3 The following sections of this report will apply the requirements of the General Permitted Development Order, and sets out the case as to why this prior approval application should be approved.

Submitted Documentation_

- 1.4 This planning application is supported by the following documents and drawings:
- Existing and Proposed Floor Plans;
 - Existing and Proposed Site Plans;
 - Existing and Proposed Elevations;
 - Location Plan; and
 - Planning Statement

2.0 Site Context and Planning History_

- 2.1 The application site is located within the authority of Kirklees Council. The application site is located within the settlement of Bolster Moor, and within the Green Belt.
- 2.2 The application site comprises of an existing large two storey dwelling, with large garage, off street car parking and amenity spaces. The property is of traditional design, construction and use of materials, and is bounded to the north by a children's day nursery, open land and residential development border the property to the south and east. Bolster Moor Farm shop and café and an area of public open space border the site to the west.
- 2.3 The application site benefits from a private vehicular access off Slades Road which will be unaffected by these proposals.
- 2.4 The site is located within a cluster of other buildings and is within walking distance of the farm shop at Bolster Moor. There are noted to be bus stops located within walking distance of the site on Slades Road and a primary school also within walking distance of the property.
- 2.5 From a review of the Historic England mapping service, the site is not understood to contain any listed buildings, and is not within a defined Conservation Area. We are not aware of any other heritage assets within close proximity of the site which would be affected by the development subject of this prior approval.
- 2.6 From a review of the Environment Agency flood map, the application site is not understood to be located within an area at risk from flooding.

Planning History_

- 2.7 The planning history for the site is detailed below:

Application Ref: 87/02018

Description of Development: Extension to enlarge lounge and bedroom and to form ground floor porch and shower room

Decision: Approved

Date of Decision: 22nd May 1987

Application Ref: 96/90177

Description of Development: Erection of conservatory and detached double garage and store

Decision: Approved

Date of Decision: 8th March 1996

Application Ref: 2019/90232

Description of Development: Erection of front extension to existing garage

Decision: Approved

Date of Decision: 25th March 2019

Application Ref: 2023/93746

Description of Development: Erection of single storey rear extension

Decision: Withdrawn

Date of Decision: 14th March 2024

Application Ref: 2024/91022

Description of Development: Certificate of Lawfulness for proposed erection of single storey rear extension

Decision: Refused

Date of Decision: 5th June 2024

2.8 Application reference 2024/91022 is noted to have been refused for the following reason, namely:

"1. The proposal for the erection of a single storey rear extension at 124 Slades Road 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 amended)) as it would extend beyond the rear wall of the original detached dwellinghouse by more than 4 metres contrary to limitation A.1(f)(i) and adjoin an existing two storey enlargement of the original dwellinghouse which would not comply with subparagraph (h) of Class A thus contrary to subparagraph (ja)"

2.9 The aforementioned application was in fact simply refused mainly on the grounds that the incorrect form had been completed. The submission should have been lodged as a prior approval, and not a certificate of lawfulness. In addition, the joining of the extension to a previously approved two storey addition fell outside the scope of permitted development. It can be confirmed that these two issues have now been addressed within this prior approval application.

3.0 General Permitted Development Order

- 3.1 The Town and Country Planning (General Permitted Development (England) Order 2015 confirms at Schedule 2, Part 1, Class A that the development comprising of the enlargement, improvement of other alteration to a dwelling can be secured by way of prior approval, subject to the following:

Permitted Development

- A.** *The enlargement, improvement or other alteration of a dwellinghouse.*

Development not permitted

- A.1** *Development is not permitted by Class A if—*

*(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class **[F1G.]** M, **[F2MA.]** N, P **[F3. PA]** or Q of Part 3 of this Schedule (changes of use);*

Comment: This criteria is not applicable, as no such permissions have been secured.

(b) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

Comment: No more than 50% of the curtilage would be taken up by the proposed development and other existing structures (as also confirmed within the officer's report associated with application reference 2024/91022.

(c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;

Comment: The height of the proposed extension would not exceed the height of the existing dwellinghouse, again as previously confirmed within the officer's report associated with application 2024/91022.

(d) 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;

Comment: The height of the eaves of the proposed single storey extension would not exceed the height of the eaves of the existing dwellinghouse.

(e) the enlarged part of the dwellinghouse would extend beyond a wall which—

(i) forms the principal elevation of the original dwellinghouse; or

(ii) fronts a highway and forms a side elevation of the original dwellinghouse;

Comment: The proposals subject of this prior approval relates to a single storey rear extension, and is not being sited on a principal elevation, nor does it front onto a highway.

(f) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—

(i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or

(ii) exceed 4 metres in height;

*(g) **F4**...for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—*

(i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or

(ii) exceed 4 metres in height;

Comment: The proposed single storey rear extension is not on article 2(3) land. The extension does project more than 4m into the rear garden, but is less than 8m. The scheme does not exceed 4m in height and does therefore meet the provisions of a prior approval.

(h) the enlarged part of the dwellinghouse would have more than a single storey and—

(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or

***F5**(ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;]*

Comment: This is a prior approval application for a single storey extension, and as such the above provisions are not deemed relevant or determinative.

(i) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;

Comment: It can be confirmed that whilst the proposed extension will be within 2 metres of the boundary of the curtilage, the eaves height is not greater than 3 metres.

(j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—

(i) exceed 4 metres in height,

(ii) have more than a single storey, or

(iii) have a width greater than half the width of the original dwellinghouse; [F6](#)...

Comment: This is an application for a single storey rear extension and does not therefore represent a side extension. The scheme has also been amended to ensure that the newly proposed addition is stepped in and away from the as existing two storey rear projection previously approved and constructed.

[\[F7\]](#) *(ja) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in subparagraphs (e) to (j);*

Comment: The proposed extension subject of this prior approval as laid out above is not joined with any previous additions to the original dwellinghouse. We are therefore of the view that the scheme as submitted complies with the provisions of the Order and can be the subject of prior approval.

(k) it would consist of or include—

(i) the construction or provision of a verandah, balcony or raised platform,

(ii) the installation, alteration or replacement of a microwave antenna,

(iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or

(iv) an alteration to any part of the roof of the dwellinghouse [\[F8\]](#) or

Comment: The provisions of sub section K are not deemed to be relevant to the determination of this prior approval.

[\[F9\]](#) *(l) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).]*

Comment: This is not a new dwelling.

3.2 The above provisions are also subject of a number of conditions, namely:

Condition

A.3 Development is permitted by Class A subject to the following conditions—

(a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

Comment: This point is noted and will be adhered to as shown on the plans submitted with this prior approval application.

(b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—

(i) obscure-glazed, and

(ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and

Comment: This criteria is not applicable.

[F11] (c) where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.]

Comment: This is a prior approval application for a single storey extension, as such criteria (c) above is not deemed to be applicable.

3.3 In addition, given that this is a prior approval application, regard is also paid to the provisions of the Order as laid out below:

A.4—(1) The following conditions apply to development permitted by Class A which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g).

(2) Before beginning the development the developer must provide the following information to the local planning authority—

(a) a written description of the proposed development including—

(i) how far the enlarged part of the dwellinghouse extends beyond the rear wall of the original dwellinghouse;

(ii) the maximum height of the enlarged part of the dwellinghouse; and

(iii) the height of the eaves of the enlarged part of the dwellinghouse;

Comment: The details as requested above have been clearly shown on the as submitted drawings.

F12(iv) where the enlarged part will be joined to an existing enlargement of the dwellinghouse, the information in sub-paragraphs (i) to (iii) must be provided in respect of the total enlargement (being the enlarged part together with the existing enlargement to which it will be joined);]

Comment: The proposed extension subject of this prior approval is not joined to any existing enlargements of the dwellinghouse, as shown on the proposed floor plans and elevations.

(b) a plan indicating the site and showing the proposed development **F13** and any existing enlargement of the original dwellinghouse to which the enlarged part will be joined];

Comment: The provisions of (b) above has been addressed within the as submitted drawings.

(c) the addresses of any adjoining premises;

Comment: Addresses of immediate neighbours:

Hoppers Nursery
1 Bolster Moor Road
Golcar
HD7 4JU

136 Slades Road
Bolster Moor
Huddersfield HD7 4JR

(d) the developer's contact address; and

Comment: J Frost, 124 Slades Road, Huddersfield, HD7 4JR.

(e) the developer's email address if the developer is content to receive communications electronically, **[F14]** together with any fee required to be paid.]

Comment: The application fee will be paid when the application is processed by the planning portal. Correspondence on the prior approval to be forwarded to the Agent.

(3) The local planning authority may refuse an application where, in the opinion of the authority—

(a) the proposed development does not comply with, or

(b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, the conditions, limitations or restrictions applicable to development permitted by Class A which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g).

(4) Sub-paragraphs (5) to (7) and (9) do not apply where a local planning authority refuses an application under sub-paragraph (3) and for the purposes of section 78 (appeals) of the Act such a refusal is to be treated as a refusal of an application for approval.

4.0 Planning Comment

- 4.1 As stated in previous sections of this statement, the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class A, enables the extension and alteration of dwellings. This can be achieved without the need to apply for planning permission (although prior approval is required as per this submission).
- 4.2 The application property is accepted to be an existing single dwelling, which continues to benefit from permitted development rights. The scheme as now proposed is compliant with the provisions, conditions and requirements laid out within the Order in relation to the size of the proposed development, heights, and in relation to the scope of information to be provided with the prior approval application as demonstrated within section 3 of this report.
- 4.3 We are not aware of any other restrictions or limitations which would limit its ability to meet the requirements of Class A. We therefore politely request that the Council seek to issue this prior approval.

5.0 Conclusions

- 5.1 Based on the scale and form of the scheme as submitted, it is clear that the existing building is classified as a single dwelling, and is not located on Article 2(3) land. Furthermore, that the proposed development would be compliant with the provisions and conditions of the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class A.
- 5.2 The Applicants are therefore of the view that the proposed development subject of this prior approval application would be lawful, and we would therefore request that the local planning authority issue a prior approval notice for the erection of a single storey rear extension at 124 Slades Road at their earliest convenience.