

**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.	2025/HH/91303/E
Site Address	Clough Farm Meadow, 34, Tolson Street, Ossett, WF5 9QH
Description	The proposal is for erection of single storey rear extension. The proposed extension projects 7m 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 3m
Recommending Officer	Joanna Rednall

DECISION – DETAILS APPROVED

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-2025

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?	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?	Permitted development rights are withdrawn for the conversion of the integral garages on plots 1-10.

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 : 13th May 2025

Consultation end date : 3rd June 2025

1. Objections

7 representations were received in response to the publication of this application.

The received representation was not in support of development. Within the objection for development the following material planning considerations were raised:

- Loss of privacy
- The proposed extension would not comply with the '45 degree rule'
- Loss of light and overshadowing
- The design and scale of the extension are not in keeping with the established character of the surrounding area and would create a sense of enclosure or a 'tunnelling effect' between dwellings.

Assessment - The requirements of the permitted development legislation with respect to this application for prior notification of a proposed larger home extension states that

'If any adjoining neighbour raises an objection within the 21-day period, the local authority will take this into account and make a decision whether the impact on the amenity of all adjoining neighbours is acceptable'.

One of the 12 core principles of the National Planning Policy Framework require that Planning should “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”. This is considered to be a useful frame of reference against which to assess this application.

1. Assessment

The proposal is for erection of single storey rear extension. The proposed extension projects 7m 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 3m.

The extension would be facilitated by the demolition of the conservatory.

The application site comprises a two-storey detached dwelling located in Ossett. The property is constructed in brick with a pitched, tiled roof and is positioned on elevated ground within a residential cul-de-sac.

As objections have been received, an analysis of the site has been undertaken to assess the impact on the amenity of all adjoining neighbouring properties.

33, Tolson Street

33, Tolson Street is a two-storey detached ‘L’ shaped dwelling, with the closest elevation around ~6m south of the application dwelling. This dwelling is also at a lower ground level to the application site. These two dwellings are also separated by an access road serving No 33A.

A review of aerial imagery shows that the north-facing elevation of No.34, which is closest to the proposed extension, contains no windows, with the only ground-level openings facing the application site situated over 14 metres away. Given this degree of separation, it is considered that the proposal would not result in a significant loss of ambient light or have an overbearing impact on No.34. In addition, the main area of private amenity space at No.33 Tolson Street lies to the south of the dwelling and is separated from the proposed extension by the existing building. As a result, any potential overshadowing or overbearing effects on this space are unlikely. Therefore, loss of light or overbearing are not considered to be adequate grounds for refusal when considering the impact upon No.33.

Concerns have been raised regarding the extension potentially breaching the 45-degree guideline. The Council’s Extensions SPD advises that, when assessing the impact of potential overshadowing, a 45-degree line is projected

from the nearest habitable room window of the neighbouring property. In the case of the proposed extension in relation to No.33, aerial imagery and submitted plans indicate that there are no ground-floor windows in close proximity to the extension that would be adversely affected. The elevation most directly facing the extension is blank, and the two windows on the west elevation are located at first-floor level, positioned above the proposed height of the extension. As such, the extension is not considered to adversely affect the levels of natural light received at No.33.

While it is recognised that No.34 sits on slightly higher ground relative to No.33, the modest, single-storey nature of the proposal, along with the physical relationship between the properties, is considered to sufficiently reduce the potential for adverse impacts on residential amenity. Any change in outlook is expected to be minor, and given the above, not unduly harmful.

33A, Tolson Street

33A is a detached 1.5 storey dwelling located to the south of no.34. This dwelling is also located at a lower ground level and retains a separation distance of around 11.5m from the proposed extension.

The proposed extension would be located to the front of No.33A, which sits at a higher ground level. However, the extension is limited to a height of 3 metres and would be positioned a minimum of 11.5 metres away from No.33A, directly to its north. This siting and modest height help to ensure that any potential overshadowing would be limited. Additionally, as the primary amenity space of No.33A is located to the south, it would remain unaffected by the extension, and overall levels of daylight and sunlight would not be significantly harmed.

Given the separation distance and the single-storey scale of the proposal, the extension is not considered to result in an overbearing impact on No.33A. The block plan demonstrates that the proposed development would align with the existing two-storey garage projection of No.33, further reducing its visual prominence. The relationship between the properties and the limited scale of the extension would prevent it from appearing unduly dominant or oppressive when viewed from this neighbouring dwelling.

35, 36 & 37 Tolson Street

These properties relate to a block of flats to the north-west of the application site.

Due to the positioning of the extension in relation to Nos. 35 and 36, it would be largely screened by the main body of the application property, resulting in only limited visibility from these neighbouring dwellings. This, combined with the significant separation distance of approximately 16 metres, ensures that the proposed development would not give rise to any unacceptable impacts in terms of overbearing, overshadowing, or loss of light. Furthermore, this relationship would ensure that the existing levels of privacy enjoyed by the occupants of Nos. 35 and 36 are maintained.

Unit 3, Logic Works

This neighbour is located north of the application site.

The proposed extension would be positioned approximately 1 metre from the shared boundary, which is currently defined by a close-boarded fence providing an established level of screening. While the existing conservatory is built along the boundary, the submitted plans indicate that the extension would increase the footprint of built form in close proximity to this boundary. However, taking into account the existing boundary treatment and the separation distance of approximately 9 metres between the proposed development and the neighbouring building, it is considered that the extension would not result in any undue harm to the amenity of occupiers of this building.

Conclusion

It is therefore considered that the proposed development would not cause significant harm to the amenity of the neighbouring property, the proposed extension is therefore considered acceptable.

2. Recommendation

Prior Approval is given.

Report Dated:

17/06/2025
