

# 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/91357/E
Site Address	14, Harefield Drive, Birstall, Batley, WF17 0PQ
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 4m, the height of the eaves of the extension is 2.92m
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.

John Holmes

**AUTHORISED OFFICER**

Date: 30-Jun-2025

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 part of the rear projection extends beyond a wall that is not part of the original rear wall of the original dwellinghouse contrary to sub-paragraph A.1(g)(i) of Class A.

This decision is based on the following details:

<b>Plan Type</b>	<b>Web Reference</b>	<b>Version</b>	<b>Date Received</b>
Existing plans	-	-	19/05/2025
Proposed plans	S02E	-	19/05/2025
Application form	SO1	-	19/05/2025
Work specification	SO3	-	19/05/2025

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 2025 and otherwise actively engaged with the applicant in dealing with the application. The application was determined on the submitted information.

### **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 2025 (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?	The property is detached and the extension will project 6m beyond the rear wall of the dwellinghouse. The submitted plans set out that part of the wall it projects from would not be original rear wall of the dwellinghouse and would be new wall constructed to the rear wall of the garage.
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.

Consultation start date : 19<sup>th</sup> May 2025

Consultation end date : 9<sup>th</sup> June 2025

## 1. Objections

### 1.1 Summary of representations: -

Five representations were received following the statutory publicity. The considerations raised are summarised as follows:

- Concern that the property will change its use
- Construction disruption/noise pollution
- Parking
- Concern that more residents will reside in the property
- Substation requires access
- High risk area for mining and gas
- Issues with water pipes and drainage in the past, this could exacerbate it
- Concerns about bats in trees nearby
- Roof pitch will not meet British standards
- Overlooking
- Overshadowing

As this proposal will be considered against the requirements as set out by the Town and Country Planning (General Permitted Development)(England) Order 2025 (as amended) Schedule 2, Part 1, Class A, condition A.4 only impact to residential amenity of adjoining premises will be assessed

### **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.

In this case the assessment of this Class A application will only consider objections from adjoining premises based on residential amenity. Objections based on things other than residential amenity have been noted however these will not be assessed under this application as under the Town and Country Planning (General Permitted Development)(England) Order 2025 (as amended) Schedule 2, Part 1, Class A, condition A.4 only impact to residential amenity of adjoining premises can be assessed.

### *Site description*

The site relates to 14 Harefield Drive, a two storey, detached property located in Birstall, Batley. The site benefits from garden amenity space to the front and rear and has a driveway to the side which leads to an attached single garage.

### *Description of proposal*

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 4m, the height of the eaves of the extension is 2.92m

As five objections were received, an analysis of the site has been carried out to assess the impact on the amenity of all adjoining neighbouring properties.

### *Impact on 16 Harefield Drive*

16 Harefield Drive is a two-storey semidetached dwelling to the north of the application dwelling. The proposed development would be single storey and would project 6.00m from the rear elevation of the applicant property. It appears from the property's planning history and aerial imagery that this property has been extended to the rear by 2.75m and to the side boundary with the applicant property.

When considering paragraph 5.6 of the Council's adopted House Extensions and Alterations SPD, it states that rear single storey extensions should not exceed 4 metres in height nor project more than 3 metres from the rear wall. In the case of this proposal the projection is 6 metres. It is acknowledged that the Permitted Development Order permits an extension beyond 3 metres in

length although it is considered this only establishes the principle of a 6 metres extension in so far as amenity principles are considered acceptable. The agent provided plans to show the eave height and proposed roof form. This showed a gable roof type and a maximum eave height on the bordering side to be 2.92 metres. When reviewing aerial imagery, and plans of the extension at No.16 under application number 2013/90742 it is shown that the extension would only extend 3m in light of the extension at No.16. Furthermore, a gap of 1.5m will be maintained with the boundary of this property. This arrangement would therefore reduce the potential for any detrimental overbearing/ oppressive impact to occur from the 6m extension as a result of massing on the boundary.

When considering SPD paragraph 4.17 in which assesses the impact of overshadowing on neighbouring properties with regard to the 45 degree guidelines. In this case, the 45 degree line from the nearest habitable window of No 16 would not be achieved following the proposed extension. While the 45-degree line may not be cut in terms of loss of direct sunlight, paragraph 4.18 also suggests the orientation of the extension in relation to the sun's path should be considered. In this case, sunlight calculator software has been used to assess potential the potential overshadowing of the development. The extension would be sited to the south of No.16 where there appears to be a limited amount of direct sunlight received due to the orientation of the properties. In this case there may be limited overshadowing in the morning during winter and only marginally in evening hours during the summer months. Given these reasons, loss of light is not considered to be an adequate ground for refusal in this case.

#### *Impact on 12 Harefield Drive*

12 Harefield Drive is a two storey semi-detached property located to the south of the application site. A separation distance of approximately 8m is achieved between the two dwellings. It is also noted that there is an access path leading to a substation between the two properties and in any case the extension would be set off the boundary by 1.6m. This neighbour also has a garage situated on the side boundary which would screen the majority of the extension. Due to these factors, No.12 is considered to be sited, and at a sufficient separation distance such that it would not be detrimentally impacted upon as a result of overlooking, overshadowing or as a result of the overbearing/oppressive impact. The proposal is therefore considered to have an acceptable impact upon the amenity of the occupiers of this dwelling.

In conclusion it has been assessed that the proposal would have an acceptable impact upon the residential amenity of adjoining neighbours. For the reasons above, the proposal is not considered to be unduly overbearing,

overshadowing or oppressive upon the occupiers of No 12 and No 16 Harefield Drive.

### *Conclusion*

Drawing No.S03 shows that there will be a new brick wall constructed to the top of the existing garage rear wall from which part of the extension will project from. Therefore, the extension will partly project from a wall that is not original to the dwellinghouse . Having regard to the Government's householder guide to permitted development rights (2019) and sub-paragraph A.1(j), Class A, Part 1 of Schedule 2 of the Town and Country Planning(General Permitted Development)(England) Order 2015 (as amended) development is not permitted under Class A where the proposed extension extends beyond an elevation which is not original to the dwellinghouse.

In this case the submitted plans indicate the proposed extension partly projects from a new wall constructed above the existing garage and is therefore contrary to paragraph (j) of Class A and as such cannot benefit from a permitted development.

### **1. 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 part of the rear projection extends beyond a wall that is not part of the original rear wall of the original dwellinghouse contrary to sub-paragraph A.1(g)(i) of Class A.

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Development Management Charter 2025 and otherwise actively engaged with the applicant in dealing with the application. The application was determined on the submitted information.

**Report Dated:**

27<sup>th</sup> June 2025