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/91498/E**
Site Address	**5, Leith Court, Thornhill, Dewsbury, WF12 0QP**
Description	**The proposal is for erection of single storey rear extension. The extension projects 7.08m 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 2.8m**
Recommending Officer	**Molly Storer**

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: 09-Jul-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 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 7.08m beyond the rear wall of the original dwellinghouse.
If the house is not detached and from the information submitted, does the extension extend more than 6 metres	N/A

from the rear of the original dwellinghouse?	
Does the proposal exceed 4 metres in height?	No
Have permitted development rights been removed from the property?	Yes – The house was constructed under a residential application for 26 dwellings Permitted Development rights were removed under this application (90/02076) for some plots to retain garage space for motor vehicles. This dos no apply to this application.

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 : 2nd June 2025

Consultation end date : 23rd June 2025

1. Objections

1.1 Summary of representations: -

One representation was received following the statutory publicity. The considerations raised are summarised as follows:

- Concerns that there will be overlooking from the Velux windows and kitchen and dining room windows.
- Construction during summer months will cause noise and disruption to neighbours.
- Overbearing – the extension will block views of trees and wildlife.

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.

Site description

The site relates to 5, Leith Court, single storey, detached property located in Thornhill, Dewsbury. The site benefits from garden amenity space to the front, rear and side and has a driveway to the front which leads to a garage. The property hosts a conservatory to the rear with a projection of 3m. This is not an original part of the property as it is not shown on the approved layout plan for the original development.

Description of proposal

The proposal is for erection of single storey rear extension. As shown on the submitted plans, the extension projects 8m 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 2.8m.

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

Impact on 3 Leith Court

16 Harefield Drive is a single storey, detached dwelling to the south of the application dwelling. The proposed development would be single storey and

would project 8m from the rear elevation of the applicant property. It appears from the property's planning history and aerial imagery that this property has a detached garage located to the rear of their garden along the 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 8 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 8 metre extension for a detached property 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 part hipped part gable roof with a maximum eave height on the bordering side to No.3 to be 2.8 metres. When reviewing aerial imagery it is noted that the existing situation is that there is a conservatory to the rear of No.5 which projects 3m from the rear wall at a separation distance of 2m to the rear boundary of No.5. Further along the side boundary of No.5 (which is the rear of No.3) No.3 hosts a garage which has a width of 3m. Although there will be two windows in the elevation facing this property it is considered that the removal of the conservatory with the replacement extension will remove the extensive glazing and increase privacy. In any case the part of the extension which extends beyond the footprint of the existing conservatory will be screened by the garage at No.3. Therefore, there will no significantly increased impact to privacy as a result of the development

Furthermore, a gap of 1.5m will be maintained with the boundary of this property and a 10m gap will be maintained to the property itself. This arrangement would therefore reduce the potential for any detrimental overbearing/ oppressive impact to occur from the 7.08m extension as a result of massing on the boundary.

Given these reasons, loss of light is not considered to be adequate ground for refusal in this case.

Impact on 1 Leith Court

1 Leith Court is a two storey property located to the southwest of the application site. Due to the layout of the properties the rear boundary of No.1 adjoins the south side boundary of No.5. Although the extension will project 7.08m this will only run parallel to No.3 and will not reach the rear boundary of No.1. Therefore, in terms of privacy the windows in the side elevation will face onto the garden

of No.3 and the garage at No.3. There are no windows within the rear elevation and therefore it is considered that there will be no significant impact to privacy.

In terms of overbearing/overshadowing there will a gap of 1.5m will be maintained with the boundary of this property and a 11m gap will be maintained to the property itself. Givern that the extension will be single storey in height this arrangement would therefore reduce the potential for any detrimental overbearing/ oppressive impact to occur from the 7.08m extension as a result of massing near the boundary.

Impact on 7 Leith Court

7 Leith Court is a single storey property located to the east of the application site. Due to the orientation of the properties the extension would be fully screened by the existing property at No.5 and there would be no windows facing in the direction of this property. Therefore, it is considered that this property would not be significantly impacted by the proposal.

Impact on 7 Edge Arpers Court

7 Edge Arpers Court is a two storey detached property located to the northwest of the application site. With regards to privacy there would be a single window in the elevation facing this property however this would face a black ground floor wall at No.7 and would have a separation distance of 4m with a footpath separating the two. It is therefore considered that privacy would not be significantly impacted.

With regards to overlooking and overshadowing, given that the extension will face a black elevation at ground floor level, will be single storey in height and maintain a separation distance of 4m with a footpath separating the two sites this is not considered grounds for refusal.

Conclusion

Approval for the following reason:

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 1, 3 and No 7 Leith Court or 7 Edge Arpers Croft. It is therefore recommended for approval.

1. Recommendation

Prior Approval

This decision is based on the following details:

Plan Type	Web Reference	Version	Date Received
Location plan	-	-	02/06/2025
Existing plans	5LCTL/01	-	02/06/2025
Proposed roof plan	5LCTL/03	-	02/06/2025
Proposed floor plan	5LCTL/02	-	02/06/2025
Proposed elevations	5LCTL/04	-	02/06/2025
Climate change statement	-	-	02/06/2025
Application form	-	-	02/06/2025

Report Dated: 7th July 2025