

**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/93177/E
Site Address	45, Old Mill View, Thornhill Lees, Dewsbury, WF12 9QJ
Description	The proposal is for erection of single storey rear extension. The extension projects 5.06m 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	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: 17-Dec-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?	The house is detached and the extension will project 5.06m 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 from the rear of the original dwellinghouse?	N/A
Does the proposal exceed 4 metres in height?	The maximum height of the extension is 3m

<p>Have permitted development rights been removed from the property?</p>	<p>Yes – Permitted Development rights have been removed under application 96/91657 for the following elements:</p> <p>(17) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, permitted development rights are withdrawn for the erection of any building or extension on the drive of all plots.</p> <p>(18) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, permitted development rights are withdrawn for the conversion of the integral garages on all plots.</p> <p>(23) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, permitted development rights for the erection of extensions or structures, without the prior agreement of the Local Planning Authority are withdrawn for Plots 2, 11-16, 32-44, 51, 70-72, 77-84, 89, 90.</p>
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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 : 17th November 2025

Consultation end date : 8th December 2025

1. Objections

2.1 Summary of representations:- None received.

2. Assessment

Permitted development rights have been removed for the erection of any building or extension on the drive and for the conversion of integral garages. The proposed is a rear extension which is not on the drive and therefore the dwelling still benefits from Permitted Development rights for rear extensions.

Permitted development rights have also been withdrawn for certain plots set out in condition 23. 45 Old Mill View was plot 44 and as such would be contrary to condition 23. Article 3(4) of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) provides that permission granted by virtue of Article 3(1) does not apply where granting that permission would be contrary to any condition imposed by any planning permission.

There is a conservatory to the rear of the property however this is not considered to be original to the property and therefore the proposed extension is considered acceptable.

No requirement to assess amenity as no representations have been received.

3. Recommendation:

Refused

The proposed enlargement cannot benefit from a general planning permission granted under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) by reason of Article 3(4) of the Order and as the development would be contrary to condition 23 of planning permission 96/91657.

Report Dated:

17/12/2025
