

**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.	2026/HH/90092/E
Site Address	8, St Mary's Walk, Mirfield, WF14 0QB
Description	The proposal is for erection of single storey rear extension. The extension projects 8m beyond the rear wall of the original dwellinghouse. The maximum height of the extension is 3.5m, the height of the eaves of the extension is 2.5m
Recommending Officer	Joanna Rednall

DECISION – PRIOR APPROVAL 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: 26-Feb-2026

The proposed rear enlargement cannot benefit from a general planning permission under Article 3(1) and Schedule 2, Class A, Part 1 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) as the proposed enlargement would extend beyond a wall forming a side elevation of the original dwellinghouse and has more than half the width of the original dwellinghouse, and the height of the eaves of the proposed enlargement would exceed the height of the eaves of the existing dwellinghouse, contrary to sub paragraphs (j) and (d).

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 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	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?	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 : 15th January 2026

Consultation end date : 5th February 2026

1. Objections

1.1 Summary of representations: - None received

1. Assessment

The property appears to benefit from a flat-roofed single storey rear garage that is present on the Council's historical imagery (OS Map dated 1965) indicating the rearward projection was original to the dwellinghouse.



It should be noted, that upon 1955 OS maps the site is shown as a undeveloped land. The dwelling has therefore been constructed at some point between 1955 and 1965. The 1965 map is therefore concluded to demonstrate, on the balance of probabilities, the footprint of the built form of the original dwelling.

The submitted plans show the rear garage would be demolished to facilitate the extension sought under this application although nonetheless the rearward projection does consist of a wall that does form part of the original side elevation. Consequently, the proposed enlargement would extend beyond this side elevation and also has a width more than half the width of the original dwellinghouse contrary to paragraph (j) of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).

Sub- paragraph (d) of Class A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) provides that development is not permitted where 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. In this instance, the eaves of the proposed rear extension would measure approximately 2.8 metres in height, whereas the eaves of the existing dwelling measure approximately 2.5 metres. Consequently, the proposed enlargement would exceed the height of the eaves of the existing dwellinghouse contrary to paragraph (d) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

2. Recommendation

Refuse

The proposed rear enlargement cannot benefit from a general planning permission under Article 3(1) and Schedule 2, Class A, Part 1 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) as the proposed enlargement would extend beyond a wall forming a side elevation of the original dwellinghouse and has more than half the width of the original dwellinghouse, and the height of the eaves of the proposed enlargement would exceed the height of the eaves of the existing dwellinghouse, contrary to sub paragraphs (j) and (d).