
Application Reference: 2023/0154

Type: Lawful Development Certificate

Applicant: Mr C Axe

Agent: Mr S Savage

Site Address: 21 Holgate View, Brierley, Barnsley S72 9HN

Proposal: Lawful development certificate for proposed development of single storey rear extension to house

Property Description

Located in a small cull-de-sac section of Holgate view in Brierley, the dwelling is a late twentieth century mixed red brick and buff coloured, two bedroomed, semi-detached dwelling. The dwelling is of similar appearance to other dwellings on the street including its tiled gable roof. Existing extensions to the dwelling are an extended bay window on the front elevation, a single-story gable roofed garage on the side elevation and a conservatory on the rear elevation. There are two neighbours to each side of the dwelling including number 23, which is attached. Beyond the rear garden boundary is a recreation ground.

Proposed Development

The proposal is for a rear extension, with a projection of 3m, a maximum height of 3.37m and an eaves height of 2.45m. The extension would be constructed of matching materials and feature a tiled, pitched roof. The proposal would replace the existing conservatory.

The applicant has submitted the following plan in support of their LDC application:

- 0124-EBP-PL-002 (Existing Elevations), 0124-EBP-PL-001 (Location Plan, Site Plan and Existing and Proposed Plans), 0124-EBP-PL-003 (Proposed Elevations)

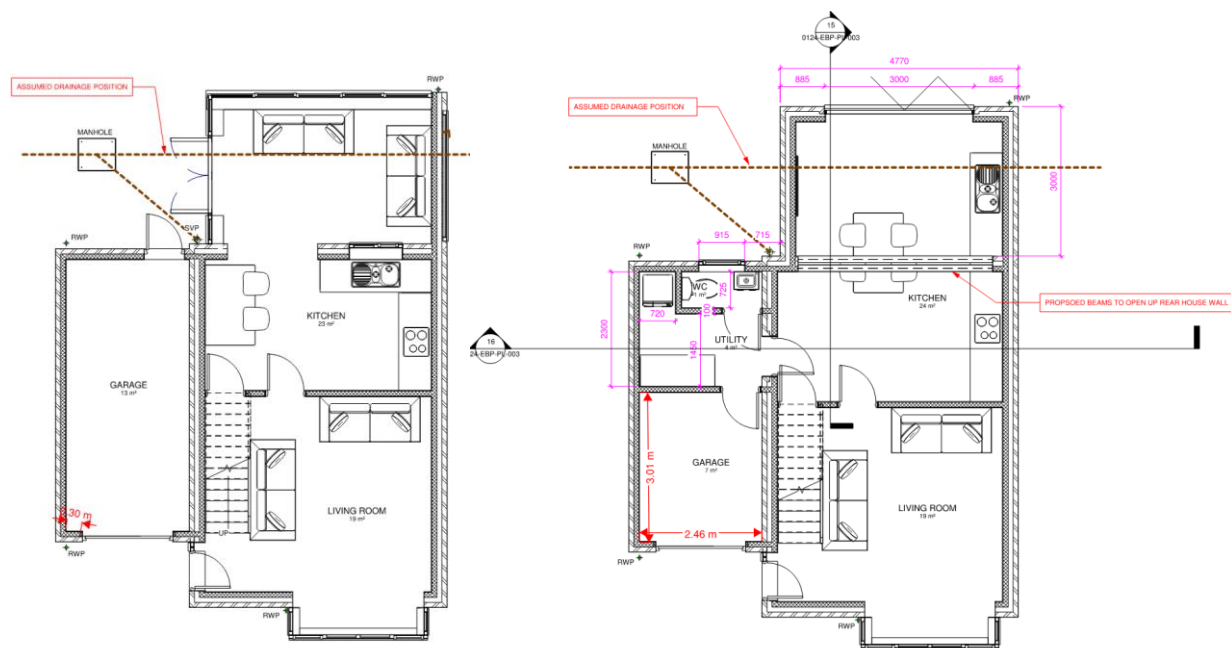
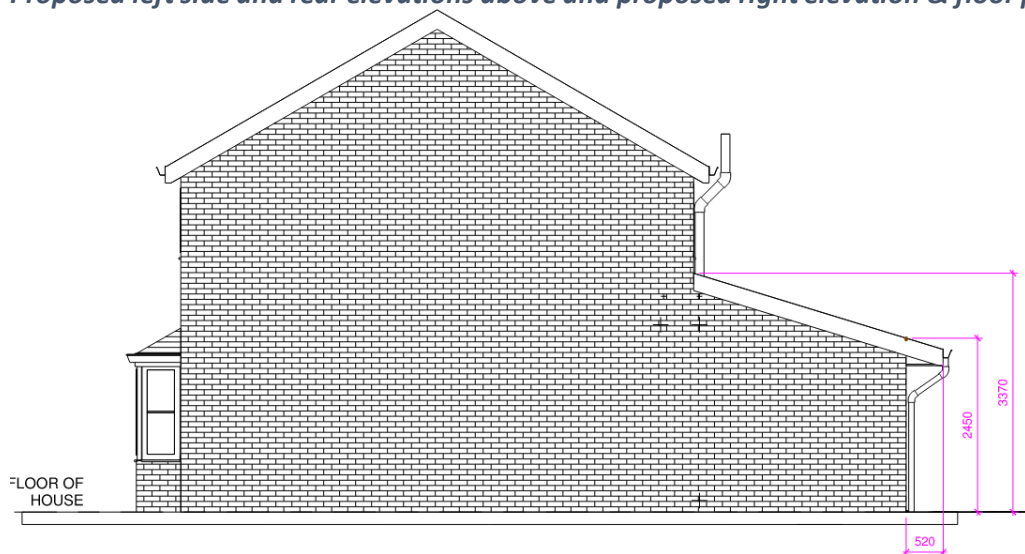
All works relate to the dwelling at 21 Holgate View, Brierley, Barnsley S72 9HN

Section 192(1) of The Town and Country Planning Act 1990 provides that if any person wishes to ascertain whether any operations proposed to be carried out in, on, over or under land, would be lawful, may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question. Section 192(4) then provides that if, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case shall refuse the application.

Proposed Plans



Proposed left side and rear elevations above and proposed right elevation & floor plans below



3 EXISTING GROUND FLOOR PLAN
1 : 50

5 PROPOSED GROUND FLOOR PLAN
1 : 50

Planning Context

Single-storey rear extensions to dwellings are allowed to be constructed without obtaining planning consent, providing they meet the criteria set out in Class A, Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

Permitted Development

A. The enlargement, improvement or other alteration of a dwellinghouse.

Development is not permitted if:

- a. permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);
- b. as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);
- c. The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;
- d. 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;
- f. Subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and —
 - (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or
 - (ii) exceed 4 metres in height;
- g. for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would not have a single-storey and:
 - i. Extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or
 - ii. Exceed 4 metres in height
- h. The enlarged part of the dwellinghouse would have more than a single storey and —
 - i. Extend beyond the rear wall of the original house by more than 3 metres, or
 - ii. Be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse
- i. The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;
 - the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—
 - (i) exceed 4 metres in height,

- (ii) have more than a single storey, or
 - (iii) have a width greater than half the width of the original dwellinghouse; or
- k) it would consist of or include—
- (i) the construction or provision of a veranda, balcony or raised platform,
 - (ii) the installation, alteration or replacement of a microwave antenna,
 - (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe,
 - or
 - (iv) an alteration to any part of the roof of the dwellinghouse.

Development is permitted by Class A subject to the following conditions —

- a. the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
- b. any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be —
 - (i) obscure-glazed, and
 - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and
- c. where the enlarged part of the dwellinghouse has more than a single storey, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

Consultees

Legal – Advice was given that if the proposals met the guidance of the Class A of the GPDO 2015 regulations, as detailed above then a Lawful Development certificate could be issued.

Assessment

Class A of the GPDO 2015 (as amended) permits extensions to domestic dwellings where certain criteria are met. This includes being allowed to erect a single-storey rear extension, with a rear projection of no more than 3m for a semi-detached dwelling. Height restrictions are a maximum of 4m with additional restrictions imposed when an extension is to be constructed within 2m of a boundary. In this scenario, which affects this application, the height of the eaves is limited to ≤3m high. Having thoroughly checked the proposed development against the GPDO 2015 (as amended), the proposed single-storey rear extension, to be constructed in replacement of the existing conservatory complies with this legislation and consequently meets permitted development rights. The proposed internal works to the garage do not require planning consent and there remains adequate parking provision with a driveway in front of the garage. Therefore, the lawful development certificate should be granted.

Recommendation

Approve with conditions