

Application Reference: 2026/0134

Site Address: 6 Burntwood Close, Thurnscoe, Rotherham, S63 0QQ

Introduction:

This application seeks approval for a Certificate of Lawfulness for the demolition of existing conservatory and erection of single storey rear extension

Relevant Site Characteristics

The dwelling red brick, semi-detached dwelling featuring a two-story side extension, and a rear conservatory.

Relevant Site History

Approved application B/04/1815/DE for the ‘Erection side two storey extension to dwelling’ in 2004 is the only recorded planning application for this address since approval for the wider housing estate.

Detailed description of Proposed Works

The proposed works are for the demolition of an existing conservatory, and the erection of a single storey rear extension.

Relevant Legislation

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.

For a lawful development certificate to be issued for the enlargement, improvement or other alteration of a dwellinghouse, it must meet the criteria set out in The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 1, Class A, as detailed below.

The Town and Country Planning (General Permitted Development) (England) Order 2015
(as amended) - Schedule 2, Part 1, Class A

Permitted development

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

Development not permitted

- A.1** Development is not permitted by Class A if—

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P PA 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;

(e) the enlarged part of the dwellinghouse would extend beyond a wall which—

(i) forms the principal elevation of the original dwellinghouse; or

(ii) fronts a highway and forms a side elevation of the original 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 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 dwellinghouse by more than 3 metres, or

(ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that 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;

(j) 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;

(ja) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);

(k) it would consist of or include—

- (i) the construction or provision of a verandah, 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 [F8; or]

(l) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).]

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—

- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;
- (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
- (c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse;
- (d) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c).

Conditions

A.3 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, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.
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Consultations

Consultations were not required for this application.

Supporting Information

In addition to the application form, the following plans were submitted in support of this application: Existing and Proposed Plans and Elevations CC-MJB-0001 (received 03.03.2026); Location PP-14719971v1. A planning statement was also provided.

Principle

The site falls within Urban Fabric. General Permitted Development Rights were not removed from the dwelling through any conditions of the recorded planning applications relating to the address, which all correspond to the approval of the whole development. Therefore, the application address benefits from the provision of the general permitted development rights, as detailed above.

Assessment:

The proposal is for the demolition of an existing conservatory, which is only attached to the rear elevation of the original dwellinghouse, and for its replacement with a wider rear extension of approximately 5.5m in width, and a 3m projection. Because the proposed extension would be partially attached to the rear elevation of a previously approved extension, the width cannot exceed more than 50% of the width of the original dwelling, at its widest point. As the original dwelling has a width of approximately 4.06m, an extension attached to the existing extension could not exceed 2.03m in width. At 5.5m in width the proposed extension exceeds this. Apart from the excessive width, the proposal, would appear to meet the required criteria for a Certificate Of Lawfulness to be issued

The applicant and their representative were informed why a Certificate of Lawfulness could not be issued based upon the submitted proposal, and that a review of an amended proposal would be allowable, for instance, an extension covering only the original rear elevation of the dwelling. There was no response to this or any other correspondence sent.

Conclusion & Reason For Refusal

In reviewing this application, it was assessed against the criteria outlined in Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 1. The proposal does not meet the requirements of A.1(j)(iii) from Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 1.

RECOMMENDATION: Refuse

Justification

In dealing with the application referred to above, despite the Local Planning Authority wanting to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the certificate of lawful development application, in this instance this has not been possible due to the reasons mentioned above.

STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015

Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering objections, the determination of

the application and the resulting recommendation. it is considered that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home and his correspondence.