

PLANNING STATEMENT

PAUL MATTHEWS ARCHITECTURAL Ltd

location	Harden Lodge, Dunford Road, Holmfirth, HD9 2RZ
application	Certificate of Lawfulness for Proposed works to Dwelling
client/applicant	Mr & Mrs K Bedford
job number	20/328
date	February 2020 Rev A May 2020

ARCHITECTURE | PLANNING | DESIGN

Malkin Farm
Brow Lane
Holmfirth
HD9 2RJ

www.paulmatthewsarchitectural.co.uk

Company Registration Number: 09898149 - Company Registered in England and Wales

INTRODUCTION

This planning statement forms part of the certificate of lawfulness application for permitted development extensions, outbuilding (garage), and garage conversion at Harden Lodge, Dunford Road, Holmfirth, HD9 2RZ.

Its important to note this application follows on from a previous/recent refused COL application reference 2020/0288

Before considering the eligibility of this application it's important to note the property still retains the benefit of permitted development rights.

The recent planning approval 2019/0581, granted on 24th January 2020 conditioned the removal of permitted development rights;

4. *Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration of the dwelling or any existing outbuildings on the site which would otherwise be permitted by Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority, and no garages or other outbuildings shall be erected.*

Reason: *To safeguard the openness and visual amenities of the Green Belt in accordance with Local Plan Policy GB1 Protection of Green Belt*

This approval however has not been implemented and therefore we contend the subject property still retains the benefit of permitted development rights.

PROPOSALS

This application is split into three specific aspects;

- 1/ Proposed single Storey Rear Extension
- 2/ Proposed Garage conversion
- 3/ Erection of a detached garage

We contend all three of these proposals fall within permitted development rights.

These three aspects are addressed individually as follows;

Proposed Single Storey Rear Extension

The proposed single storey extension falls under Schedule 2, Permitted development rights. PART 1 Development within the curtilage of a dwellinghouse. Class A – enlargement, improvement or other alteration of a dwellinghouse.

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 M, N, P or Q of Part 3 of this Schedule (changes of use);

The property was not granted only by virtue of Class M, N, P or Q of Part 3

(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);

The property has an extensive domestic curtilage as indicated on the OS location and block plans. Previous extensions taking into account these proposals do not 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;

It doesn't

(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;

It doesn't

(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;

It doesn't, the principle elevation is clearly noted on the existing block plan.

(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;

The proposed extension projects 3.95 meters beyond the original rear wall. The proposed height does not exceed 4 meter – refer to proposed floor plans and elevations.

(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;

The property is detached, the proposed extension does not extend beyond the original dwellinghouse by more than 8 meter or exceed 4 meters 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 opposite the rear wall of the dwellinghouse;

The proposed extension is single storey.

(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 proposed extension is not within 2 meters of the boundary.

(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; or

The proposed extension is a rear extension

(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.

None of the above apply

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;

Cladding is not proposed

(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.

The proposed extension is single storey and does not extend beyond a side wall.

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;

Materials used will replicate existing

(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.

No upper floor windows.

Roof pitch to replicate existing

The previous 4 m projecting extension, abutting the existing detached garage has now been reduced to 3.95m following confirmation that this is the reason why the previous application was refused. The existing garage was being classed as an extension taking the overall extension (and previous extension) over 8 meters.

Proposed Garage conversion

Class A, as above, also covers the installation of windows. The proposed garage conversion is not being enlarged.

Erection of a Detached Garage

The proposed erection of the detached garage falls also under Schedule 2, Permitted development rights. PART 1 Development within the curtilage of a dwellinghouse. Class E — buildings etc incidental to the enjoyment of a dwellinghouse

The proposed use is a garage (*a building/enclosure*) which is deemed incidental to the enjoyment of the dwellinghouse.

This class has the following conditions;

E.1 Development is **not** permitted by Class E 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);

It hasn't

(b) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

As noted above and on the OS plans the property has an extensive domestic curtilage. Previous extensions taking into account these proposals do not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse).

(c) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;

The proposal is located to the side of the property set back from the principle elevation.

(d) the building would have more than a single storey;

The building is single storey

(e) the height of the building, enclosure or container would exceed—

(i) 4 metres in the case of a building with a dual-pitched roof,

The proposed building has a duo pitch roof and does not exceed 4m high.

(ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or

(iii) 3 metres in any other case;

The building is 2250mm from the boundary.

(f) the height of the eaves of the building would exceed 2.5 metres;

The eaves height, as noted on the proposed garage plan is 2500mm.

(g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;

The building is not listed.

(h) it would include the construction or provision of a verandah, balcony or raised platform;

The proposed building does not include a verandah, balcony or raised platform.

(i) it relates to a dwelling or a microwave antenna; or

(j) the capacity of the container would exceed 3,500 litres.

Neither apply.

E.2 In the case of any land within the curtilage of the dwellinghouse which is within—

(a) an area of outstanding natural beauty;

(b) the Broads;

(c) a National Park; or

(d) a World Heritage Site,

None of the above 4 apply

Development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.

The building is situated circa 5.8m from the gable of the original dwelling.

E.3 In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.

To our knowledge the land is not article 2(3) land.

Interpretation of Class E

E.4. For the purposes of Class E, “purpose incidental to the enjoyment of the dwellinghouse as such” includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse.

The proposed garage is a purpose incidental to the personal enjoyment of the occupants of the dwellinghouse

CONCLUSION

We contend the proposals comply with permitted development rights and as such should be granted a certificate of lawfulness.

Should the local authority require any clarification please don't hesitate to contact Paul Matthews Architectural.

It would be appreciated if you could contact Paul Matthews Architectural prior to drafting up your recommendation for determination.

APPENDIX A

Emails from LA planning case officer on 2020/0288

Paul Matthews

From: [REDACTED] (PLANNING OFFICER) <[REDACTED]>
Sent: 27 May 2020 08:32
To: Paul Matthews
Subject: RE: Decision Notice for Planning Application 2020/0288

Dear Paul

If the two are physically separate then the garage would not be included with the measurement.

Thanks

[REDACTED]
Planning Officer (Outer Area)
Development Management
Regeneration and Culture - Place Directorate
Barnsley Metropolitan Borough Council

[REDACTED]
[REDACTED]
[REDACTED]

From: Paul Matthews [REDACTED]
Sent: 26 May 2020 13:47
To: [REDACTED] (PLANNING OFFICER) [REDACTED]
Subject: RE: Decision Notice for Planning Application 2020/0288

[REDACTED],

Thanks for the swift response.

We'll have to disagree with our opinions in relation to the existing garage being an extension. I firmly believe it to be a separate standalone garage that could be converted under PD irrespective of the current PD application.

To move this forward then a separate application leaving a gap of say 50mm from the proposed rear extension and the existing detached garage would comply with legislation in your eyes and therefore be accepted? **Can you please confirm** (although I do appreciate a further application would need to be made for this for a conclusive determination).

I look forward to hearing back from you in due course.

Regards,

Paul

Paul Matthews Bsc (Hons) C.Build E MCABE

[REDACTED]

Malkin Farm
Brow Lane
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HD9 2RJ

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From: [REDACTED] (PLANNING OFFICER) [REDACTED]
Sent: 26 May 2020 13:23
To: Paul Matthews
Subject: RE: Decision Notice for Planning Application 2020/0288

Dear Paul

As this is an application for a certificate of lawfulness we would not request amendments to the scheme. The application has to be decided based on the information presented to us and whether the proposal meets the permitted development rights. Unfortunately the proposal is not permitted development for the following reason:-

Proposed single storey extension linked to the existing garage conversion

PART 1 - Development within the curtilage of a dwellinghouse
Class A – enlargement, improvement or other alteration of a dwellinghouse

The enlargement, improvement or other alteration of a dwellinghouse.
Development is not permitted if:

- (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) until 30th May 2019, 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

The applicant proposes a single storey extension which would link to an existing garage to be converted into further living accommodation. The proposed single storey extension has a projection of 4m from the rear of the original house. The extension is attached to the existing garage which would be converted into further living accommodation.

In terms of calculating single-storey extensions 'Permitted development rights for householders – Technical Guidance', a supplementary document to the GPDO, states that where a new extension is joined to an existing extension, under paragraph (ja) the limits in (f) or (g) apply to the size of the **total enlargement** (being the proposed enlargement together with the existing enlargement). The garage is considered as an extension.

As a result of the above the overall extensions which include the new single storey extension and existing garage to be converted, would extend beyond the rear wall by approximately 9m which is more than the 4m allowed for under the permitted development rights and the 8 metres allowed for under the larger homes prior notifications that are subject to a neighbour consultation scheme. The development is therefore **not** permitted development and **not** lawful.

If you disagree with the above, you do have the option to appeal the decision.

Regards

[REDACTED]
Planning Officer (Outer Area)
Development Management
Regeneration and Culture - Place Directorate
Barnsley Metropolitan Borough Council

[REDACTED]
[REDACTED]
[REDACTED]

From: Paul Matthews [REDACTED]
Sent: 26 May 2020 12:01
To: DevelopmentControl & DevelopmentManagement [REDACTED]
Subject: RE: Decision Notice for Planning Application 2020/0288
Importance: High

Morning,

Thanks for the email but can you please clarify and provide further information;

The decision notice states the proposed works to the dwelling is not lawful as;

(f) Extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse.

(g) Extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse.

The submitted plans clearly indicate (with a dimension) the projection **does not** exceed 4 meters ? You refer to " 'Permitted development rights for householders - Technical Guidance', a supplementary document to the General Permitted Development Order states that where a new extension is joined to an existing extension" the previous garage is not an **extension** to the original property is a standalone detached building, it represents a building in its own right rather than an extension to the house. It is separated from the dwelling with a wide walkway/drive and external yard area, it is not physically attached. Interestingly I note a previous appeal case where another local planning authority considered a detached garage represented an extension to the dwelling and therefore refused a planning application. The appeal was allowed and planning permission granted with the appeal officer stating "**The garage is physically and visually distinct from the dwelling. It is**

separated from it by the driveway and its forecourt. Although it remains ancillary to the use of the dwelling and within its curtilage, it represents a building in its own right rather than an extension to the house" I feel the exact same applies in our case here so can you please provide your justification to deem the detached garage as an extension.

The proposed PD extension (to the original property) , as indicated, does not exceed 4 meters and is certainly not more than 8 meters as noted above ? To consider the existing garage as an extension is inaccurate and unfair.

I was advised the property still has the benefit of permitted development rights and as the existing extant approval has not yet been implemented the property still benefits from PD. These proposed extensions were based around permitted development rights taking into account the garage is a separate standalone building. Can you please clarify, with reference to planning legislation, why you believe the detached garage is an extension.

I'm surprised and disappointed that this hasn't been at least discussed with me prior to simply emailing a decision notice.

Can you please come back to me as a matter of urgency to hopefully resolve or at least clarify this situation.

I look forward to hearing from you in due course.

Regards,

Paul

Paul Matthews Bsc (Hons) C.Build E MCABE



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From: DevelopmentControl & DevelopmentManagement
Sent: 26 May 2020 09:37
To: Paul Matthews
Subject: Decision Notice for Planning Application 2020/0288

**Site: Harden Lodge, Dunford Road,
Harden, Barnsley, HD9 2RZ Proposal:
Certificate of lawfulness for
proposed works to dwelling**

Dear sir/madam.

Please find attached Decision Notice in respect of the above Planning Application. If you need to discuss this further, please contact the case officer who dealt with the application.

In order to monitor our standards of customer service and to continue to improve, we would value your feedback on your experience of the planning process. We would be grateful if you could spare a few minutes of your time to complete a short [questionnaire](#).

The information you provide is only used within the service and not passed on. Upon completion of the questionnaire you will not be contacted again in relation to this.

Kind regards,

Development Management

Barnsley MBC - Development Management

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