
Application: 2024/0442

Type: Lawful Development Certificate

Applicant: Mr G Coleman

Site Address: 20 Sherwood Way, Cudworth, Barnsley, S72 8BH

Proposal: Certificate of Lawfulness for proposed development

Location & Property Description

The dwelling is a detached bungalow set within a large curtilage, located in a small estate to the east of Cudworth. The dwelling is constructed of red brick and a yellow stone façade, with a tiled gable roof. There is a garage attached to the left side of the dwelling, whilst a small conservatory on the rear elevation of the dwelling has been removed in preparation for the proposed extension.

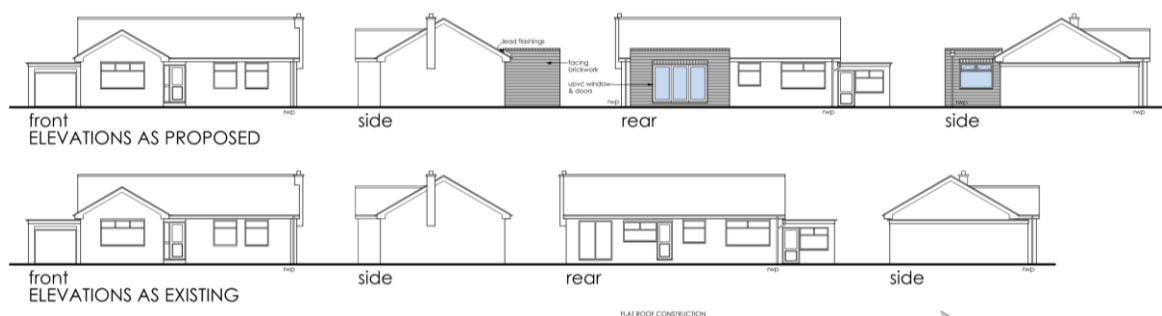


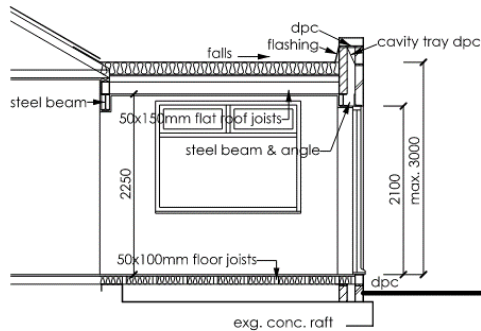
Proposed Development

The proposal is for a small rear extension, with an approximate rear projection of 3m and an approximate width of 5.38m. The height of the flat roof is proposed at approximately 2.83m. A Parapet wall is included on the three sides of the proposal, which raises the maximum height of the proposal by approximately 30cm. Proposed materials include facing brickwork for the main walls and UPVC window and doors.

The applicant has submitted the following plan in support of their LDC application: Plans and Elevations dwg.no. 3147. An email confirmed that whilst the proposal does not have eaves, the height of the proposal excluding the parapet wall would be less than 3m high.

All works relate to the dwelling at 20 Sherwood Way, Cudworth, Barnsley, S72 8BH





Planning History:

None

Planning Context

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.

Legislation set out in Class A, Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) sets out guidance for works carried out under permitted development rights.

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

Permitted Development

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

Development is not permitted if:

A.1

- 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;
- 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
- 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.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, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

Permitted development rights for householders Technical Guidance (2019)

“Eaves height is measured from the ground level at the base of the outside wall to the point where that wall would meet the upper surface of the flat roof - the overhang and the parapet wall should be ignored for the purposes of measurement.” p.g 12.

Consultee

Legal – No Comment

Assessment

The proposal meets the requirements of Class A, Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). The maximum measurements permissible for a single storey rear extension are 4m, whilst the height is limited to 4m, although as in this instance with the proposal being within 2m of a boundary a maximum eaves height of 3m applies. Additionally, the eaves height should be no higher than the eaves of the original dwelling, or the total height, no higher than the ridge of the original dwelling. Finally the extension, along with existing extensions and outbuildings, cannot cover more than 50% of the cartilage. The proposal meets all of these requirements, with the non-existent eaves being considered as the height of the flat roof, as indicated in the ‘Permitted development rights for householders Technical Guidance’, which also details how parapets are excluding from calculations of height measurements.

Recommendation:

Approve with conditions.