

---

**Application: 2023/0700**

**Type:** Lawful Development Certificate

**Applicant:** Ms DUNLAVEY

**Site Address:** 22 Bence Close, Darton, Barnsley, S75 5PB

**Proposal:** Lawful development certificate for proposed development of side and rear extensions to dwelling

---

**One Objection:** An unsolicited objection was received from a local resident.

### **Location & Property Description**

The dwelling is located on Bence Close in the Darton, a large urban area to the northwest of Barnsley town centre. The street is a small cull-de-sac predominately featuring a mixture of semi-detached houses and bungalows, with many extended. Although 1960's plans show the street broadly as it is now, in 1986 permission for 4 new dwellings was granted, this was presumably in replacement of existing houses and has resulted in two buff-coloured dwellings and two more detached red brick dwellings.

The dwelling itself is a circa 1950's red brick semi-detached house with a tiled gable roof. An original unattached outbuilding remains in the garden, along with another structure. A further small ground floor extension is present on the of the dwelling, which looks original but is not shown on the 1960's map. Currently the dwelling is vacant and in poor aesthetic condition.

### **Proposed Development**

The proposal is to erect a small ground-floor side extension, along with a larger ground floor rear extension. Both extensions would be built using matching brickwork and the side extension would feature a single pitched (sloped), tiled roof whilst the rear extension would feature a flat roof with centre roof lantern. Although the original plans would have met the size requirements for a Lawful Development Certificate, revised plans featuring a lower roof height and shorter projection for the rear extension were submitted and are detailed below.

#### Side Extension

- Maximum Height: 3.87m
- Eaves Height: 2.72m
- Length 3.3m
- Side Projection: 1.93m

#### Rear Extension

- Maximum Height: 3.72m
- Eaves Height: 2.56m
- Width: 6.16m
- Projection: 2.47m

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

23-06-01A Plans, Elevations & Sections

All works relate to the dwelling at 22 Bence Close, Darton, Barnsley, S75 5PB

**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.

Single-storey 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.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.

### **Consultee**

**Legal** – Confirmed that if the development met the requirements of the GPDO, then a Lawful Development Certificate may be issued.

**Unsolicited Objection** – A local resident made an objection to the proposal on the grounds of the standard of work done by the developer elsewhere. As this objection is not a relevant issue in the determination of Lawful Development Certificate, the objection cannot be considered.

**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 extension or extensions. The rear projection of such extension, from the original must not exceed 3m for a semi-detached dwelling whilst for a side projection, have a width of more than 50% of the original width of the house. Height restrictions permits the maximum height of a roof to 4m high. Additionally, as in this instance where part of the extension (rear extension for this proposal) is within 2m of a boundary, an eaves height restriction of 3m applies. Finally, the total of all extensions and outbuildings must not exceed over 50% of the curtilage size of the dwelling, excluding the dwelling itself.

Having thoroughly checked the proposed development against the GPDO 2015 (as amended), both the proposed ground floor rear extension and ground floor side extension comply with this legislation and consequently are eligible for a Lawful Development Certificate to be issued.

**Recommendation:**

Approve with conditions.