

Application Reference: 2025/0202

Site Address: 7 Newtown Green, Cudworth, Barnsley, S72 8DU

Introduction:

This application seeks Lawful development certificate for proposed development of single storey rear extension to dwelling.

Relevant Site Characteristics

The development site is an end terraced residential property located at 7 Newtown Green, Cudworth, Barnsley, S72 8DU which is within a cul-de-sac. The property is located in south Cudworth which is predominantly residential in nature, with the majority of dwellings being a mix of detached, semi-detached and terraced dwellings. The nearest commercial properties are situated on Barnsley Road approximately 450m north of the site. The site is only accessible via road links but does not benefit from off street parking. However, the dwelling does benefit from a large rear garden.

Site History

No recent or relevant site history.

Detailed description of Proposed Works

This application is for a Lawful Development Certificate under Section 192 of the Town and Country Planning Act 1990 which seeks confirmation that the proposed works comply with the requirements of Class A, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and therefore do not require planning permission.

A single storey extension to the rear of the application dwelling, measuring approximately:

- 3m (L) x 4.04m (W) x 3.2m (Height to eaves) x 3.47m (Height to roof ridge)

Relevant policies

Section 192(1) the Town and Country Planning Act 1990 states that if any person wishes to ascertain whether any operations proposed to be carried out in, on, over, or under land, would be lawful, they may make an application for the purpose to the local planning authority describing the use or operations in question.

Section 192(2) then states 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.

No special restrictions or designations affecting the proposal are considered to apply to this site, such as permitted development rights having been removed, or listed status etc.

Class A, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) order 2015 (as amended), permits the enlargement, improvement or other alteration of a dwellinghouse. Within this are the following categories:

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; 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.

A.4 – (1) The following conditions apply to development permitted by Class A which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g).

(2) Before beginning the development the developer must provide the following information to the local planning authority—

a. a written description of the proposed development including—

(i) how far the enlarged part of the dwellinghouse extends beyond the rear wall of the original dwellinghouse;

(ii) the maximum height of the enlarged part of the dwellinghouse; and

(iii) the height of the eaves of the enlarged part of the dwellinghouse;

(iv) where the enlarged part will be joined to an existing enlargement of the dwellinghouse, the information in sub-paragraphs (i) to (iii) must be provided in respect of the total enlargement (being the enlarged part together with the existing enlargement to which it will be joined);

b. a plan indicating the site and showing the proposed development and any existing enlargement of the original dwellinghouse to which the enlarged part will be joined;

c. the addresses of any adjoining premises;

d. the developer's contact address; and

e. the developer's email address if the developer is content to receive communications electronically, together with any fee required to be paid.

(3) The local planning authority may refuse an application where, in the opinion of the authority—

a. the proposed development does not comply with, or

b. the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with,

(4) Sub-paragraphs (5) to (7) and (9) do not apply where a local planning authority refuses an application under sub-paragraph (3) and for the purposes of section 78 (appeals) of the Act such a refusal is to be treated as a refusal of an application for approval.

(5) The local planning authority must notify each adjoining owner or occupier about the proposed development by serving on them a notice which—

a. describes the development by setting out the information provided to the authority by the developer under paragraph A.4(2)(a);

b. provides the address of the proposed development;

c. specifies the date when the information referred to in sub-paragraph (2) was received by the local planning authority and the date when the period referred to in sub-paragraph (10)(c) would expire; and

d. specifies the date (being not less than 21 days from the date of the notice) by which representations are to be received by the local planning authority.

(6) The local planning authority must send a copy of the notice referred to in sub-paragraph (5) to the developer.

(7) Where any owner or occupier of any adjoining premises objects to the proposed development, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises.

(8) The local planning authority may require the developer to submit such further information regarding the proposed development as the authority may reasonably require in order to determine the application.

(9) The local planning authority must, when considering the impact referred to in sub-paragraph (7)—

- a. take into account any representations made as a result of the notice given under sub-paragraph (5); and*
- b. consider the amenity of all adjoining premises, not just adjoining premises which are the subject of representations.*

(10) The development must not begin before the occurrence of one of the following—

- a. the receipt by the developer from the local planning authority of a written notice that their prior approval is not required;*
- b. the receipt by the developer from the local planning authority of a written notice giving their prior approval; or*
- c. the expiry of 42 days following the date on which the information referred to in sub-paragraph (2) was received by the local planning authority without the local planning authority notifying the developer as to whether prior approval is given or refused.*

(11) The development must be carried out—

- a. where prior approval is required, in accordance with the details approved by the local planning authority;*
- b. where prior approval is not required, or where sub-paragraph (10)(c) applies, in accordance with the information provided under sub-paragraph (2), unless the local planning authority and the developer agree otherwise in writing.*

(12) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the impact of the proposed development on the amenity of any adjoining premises.

(16) When computing the number of days in sub-paragraph (5)(d), any day which is a public holiday must be disregarded.

Consultations

No consultees were consulted on this application.

Representations

No representations were received.

Planning Assessment

Class A, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) order 2015 (as amended), permits the enlargement, improvement or other alteration of a dwellinghouse, if the relevant criteria and conditions are complied with.

Having checked these specifications, the proposed development will comply with the legislation and requirements for permitted development and therefore, the Certificate of Lawful Development should be granted.

RECOMMENDATION: Approve subject to conditions

Justification

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

It has not been necessary to make contact with the applicant to request amendments to the proposal during the consideration of the application, as it was deemed acceptable.

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.

Conditions

1. The development hereby approved shall be carried out strictly in accordance with the plans (Nos. 01 - PLANS & ELEVATIONS (1:50, 1:100, 1:1250, 1:1500)) and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.
2. The external materials shall match those used in the existing building.
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.

Informatives

1. The granting of planning permission does not in any way infer that consent of the landowner is given. Therefore, the consent of all relevant landowners is required before proceeding with any development, including that of the Council as landowner.