

**Application Reference:** 2025/0725

**Site Address:** 40 Ivy Bank Close, Ingbirchworth, Sheffield, S36 7GT

**Introduction:**

This application seeks approval for a certificate of lawfulness for proposed single storey rear extension to dwelling

**Relevant Site Characteristics**

Located on a contemporary housing estate in the village of Ingbirchworth, the detached dwelling presents as a yellow stone house featuring white UPVC windows and a grey tiled roof. A ground floor projection of approximately 2m on the rear elevation, akin to an extension, along with a detached grange located in front of the principal elevation are both original aspects of the dwelling.

**Relevant Site History**

Application Reference	Description	Status (Approved/Refused)
2009/1519	Increase in overall building heights of dwelling on plots 1, 23, 25, 28, 30, 31, 32, 33, 34, 53, 54, 55, 58, 59, 60, 61 and 75 of previously approved application 2007/1090. (Residential development)	Approved
2007/1090	Residential Development of 74 dwellings (Reserved Matters).	Approved
B/04/1996/PR	Residential development and construction of a shop unit (Outline).	Approved

**Detailed description of Proposed Works**

The proposal is for a rear extension of approximately 3.05m, located on the rear elevation and incorporating the existing rear projection.

**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. Specific to this application is Class A of this legislation, 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 plan was submitted in support of this application:

- Drg Nr HA25048 (LDC) 001 Location, Site & Block Plan Inc. Existing & Proposed Plans & Elevations

### 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 a rear extension with an approximate projection of 3.05m in its furthest extent from the original rear elevation of the dwelling, and approximately 2.05m in its shortest extent from the original rear elevation. The existing rear protrusion of the dwelling is incorporated within the proposed extension, hence the variation in projection from the original rear elevation. The width of the proposal would be approximately 5.28m. The proposed roof is an asymmetrical dual pitched roof, with approximate eaves and ridge height of 2.5m and 3.87m respectively. The extension would be constructed, as indicated on the plans, in brickwork and roof tiles to match the existing dwelling. Larger replacement windows are proposed, along with a new exterior entrance door on the side elevation of the extension. At an approximate increase of 14sqm to the original footprint of the dwelling, in a rear curtilage (only) of approximately 140sqm, the proposal would not impact upon the 50% allowance of the whole curtilage for extensions and outbuildings.

If the proposal was only considered as a rear extension, it would meet the requirements of Class A of permitted development. However, with the inclusion of the original protrusion, the extension as a whole would be considered as extending beyond a wall which forms part of the dwellings original side elevation as the sides of the rear protrusion would be classed as walls forming a side elevation. Therefore, the whole extension would be subject to maximum width of 50% of the size of the original dwelling's width, at its widest point. On this occasion the width of the original dwelling is approximately 9.67m, and the proposed width of the extension, at 5.28m would clearly exceed 50% or 4.835m of the original width of the dwelling.

### 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). The proposal was deemed not to meet the requirements of A.1(j)(iii) of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 1. A.1(j)(iii) of Class A states that development is not permitted where the enlarged portion of the dwellinghouse would extend beyond a wall forming the side elevation of the original dwellinghouse and would have a width exceeding half the width of the original dwellinghouse.

**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.**