

Application Reference: 2026/0198

Site Address: 8 Lidgett Road, Mapplewell, Barnsley, S75 6GZ

Introduction:

This application seeks approval for a Certificate of Lawful Development for proposed single storey rear extension

Relevant Site Characteristics

The red brick, detached dwelling is located in prominent corner style plot within a contemporary housing estate in the village of Mapplewell. The dwelling features an integrated garage, a large bay window on the side elevation, and an original small projection on the rear elevation, akin to a small extension.

Relevant Site History

There is no site history for this address since the constriction of the estate.

Detailed description of Proposed Works

The proposal is for a ground floor rear extension which would replace or incorporate the original projection on the rear elevation,

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, Class A, as 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;

(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.

Consultations

Consultations were not required for this application.

Supporting Information

In addition to the application form, the following plans were submitted in support of this application: Existing and Proposed Plans and Elevations CC-MJB-0001 (received 03.03.2026); Location PP-14719971v1. A planning statement was also provided.

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 ground floor rear extension with an approximate rear projection of 4m and a width of approximately 9.03m, matching the width of the original elevation. It would feature an approximate eaves height of 2.55m, and the ridge height of the dual pitched roof would be approximately 3.93m. With materials of a similar appearance proposed to be used, overall, the proposal would meet the size guidelines for a rear extension constructed through Class A of permitted development.

On this occasion, an unusual but not unique circumstance arises, where due to the small rear projection, an original feature of the house but akin to a small extension, must be considered when assessing walls forming side elevations. It is these north and south facing side elevations of the rear projection which prevent the proposed rear extension from meeting the requirements of Class A of permitted development legislation, specifically A.1(j)(iii), as quoted below,

A.1(j)(iii) from Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 1.

‘(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;’

With the width of the extension proposed to be approximately 9.03m, it would be more than half the width of the original dwelling house at its widest point. On this occasion the widest point of the dwellinghouse would be where at the point which included the side elevation bay window. At this point, the width of the house would be approximately 9.42m but would only equate to a maximum allowable width for an extension extending beyond a side elevation, of 4.71m

In clarification of what is considered a side elevation, the ‘Permitted development rights for householders Technical Guidance’ published in September 2010, states that:

‘A wall forming a side elevation of a house will be any wall that cannot be identified as being a front wall or a rear wall. Houses will often have more than two side elevation walls.’

Although the proposed extension would replace or incorporate the existing projection, or if the extension was entirely removed prior to the construction, or in hindsight before an application for a certificate of lawfulness had been submitted; case law and appeals to the planning inspectorate have broadly concluded that the term ‘original refers to the original dwellinghouse

as it stood in 1948, or as in this instance on the date it was completed, and the removal of a wall does not discount that wall from consideration of the original elevations of a dwellinghouse.

In support of the above paragraphs, the following high court judgment and three relevant, and recent Certificate of Lawfulness Appeal decisions, which have been dismissed relate to proposed extensions beyond a wall forming an original side elevation, including where the proposed wall was to be (or has been) removed.

- Arnold v Secretary of State for Communities and Local Government [2015] EWHC 1197 (Admin) (01 April 2015)
- Demolition of existing outbuilding and erection of a single storey rear extension APP/Q3820/X/23/3331126 (05 June 2025)
- Proposed 2 storey rear extension of 3M with a single storey side extension plus internal alterations and amendments to window locations on the front elevation. APP/B1930/X/22/3309913 (21 May 2024)
- Single Rear Extension APP/Z1510/X/21/3282873 (01 March 2022)

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) - Schedule 2, Part 1.

Following a full review, the proposal does not 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, Class A.

The applicant and their representative were made aware of the proposal not meeting the requirements of permitted development. As requested by the applicant's representative, a second opinion on the proposal was sought, and to clarify the same conclusion, relevant appeals to the planning inspectorate were reviewed and the discovery of a significant piece of case law discovered.

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.