

**Application Reference:** 2025/0230

**Site Address:** 21 Rookery Way, Thurgoland, Barnsley, S35 7BX

**Introduction:**

This application seeks approval for a certificate of lawfulness for proposed the Erection of single storey rear extension

**Relevant Site Characteristics**

The dwelling is light red coloured detached house with open plan front garden and driveway, what appears to an original attached garage on the side elevation, and conservatory on the rear elevation.

**Relevant Site History**

No recorded site history since construction of the original estate in the 1980's.

**Detailed description of Proposed Works**

The proposal is for the removal of a conservatory and its replacement with a rear extension with an approximate rear projection of 3.23m, a width of 5.8m and a roof height of 3.80m.

**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 information was submitted in support of this application:

- Site and Location Plan HA26013 (LDC) 001
- Plans and Elevations HA26013 (LDC) 002
- Planning Statement Project nr: HA26013

#### Principle

The site falls within Urban Fabric. General Permitted Development Rights were not removed from the dwelling through any planning conditions 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 3.23m in its furthest extent from the original rear elevation of the dwelling. The width of the proposal would be approximately 5.80m wide and be entirely constructed on what appears to be the original rear elevation of the dwelling. The proposed eaves and roof ridge height are approximately 2.78m and 3.8m high respectively. Two rooflights are proposed to be located within the new extensions roof, along with new bi-fold doors. Materials including brickwork, roof tiles and UPVC windows of a similar or matching appearance to the materials used with the original house are proposed to be used within the development.

The extension would replace an existing conservatory, which appears to be a later addition to the dwelling, completed through permitted development rights. With an approximate footprint of 19 sqm, the proposed extension would not account for more than 50% of the available curtilage, which is approximately 295sqm.

#### 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. The proposal was deemed compliant with the legislation and would therefore be eligible for a Certificate of Lawful Development to be issued.

#### **RECOMMENDATION: Approve With Conditions**

##### **Justification**

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.

#### **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.**

Conditions and Informative

1. The development hereby approved shall be carried out strictly in accordance with the plans

- Site and Location Plan HA26013 (LDC) 001
- Plans and Elevations HA26013 (LDC) 002
- Planning Statement Project nr: HA26013

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.**

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.

If it should transpire that the applicant does not own any of the land included in this consent, then it is the responsibility of the applicant to seek all necessary consents and approvals of the landowner.