KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) Section 191/192

DELEGATED DECISION FOR APPLICATION FOR CERTIFICATE OF LAWFUL DEVELOPMENT

Reference no.: 2018/CL/90747/W

Site: 11, Far View Bank, Almondbury, Huddersfield, HD5 8EP

Description: Certificate of lawfulness for proposed erection of single storey rear extension

Case Officer**:** Olivia Roberts

Decision Reference: PROPOSED OPERATIONS REFUSE

I hereby authorise the refusal of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Kevin Walton

AUTHORISED OFFICER

Date 30-Apr-2018

Officer Report

Reference: 2018/90747

Location: 11 Far View Bank, Almondbury, Huddersfield, HD5 8EP

Proposal: Certificate of Lawfulness for proposed erection of single storey rear extension

Site Description

The application relates to a two storey detached dwelling in Almondbury, 11 Far View Bank. It is constructed in red brick and is designed with gable roof forms which are finished in concrete roof tiles. The dwelling benefits from an integral garage which is located to the south east of the site and is accessed via a driveway that leads off Far View Bank. The front of the dwelling is set back from the access road with a small garden to the front and a larger garden and amenity space to the rear.

The site is located in a residential area with the vicinity comprising properties of a similar character to the application site. Although Far View Bank includes properties of a range of styles and designs, the predominant material of construction is red brick.

Description of Proposal

The applicant is proposing the erection of a single storey rear extension. The extension will project 1.50 metres from the rear elevation of the host dwelling and 3.00 metres from the rear elevation of the existing integral garage. The extension will be constructed in red brick and will be designed with a lean-to roof form which will be finished in concrete roof tiles to match existing. The roof form of the proposed extension will have an eaves height of 2.50 metres and a maximum height of 3.00 metres.

Relevant Planning History

2007/95035: Erection of single storey extension. Conditional Full Permission. (For a development similar to that proposed under this application, not implemented).

Representations

No representations received.

Consultation Responses

This is an application for a Lawful Development Certificate and for this reason, no consultations are necessary.

Policy/Legislation

The Town and Country Planning Act 1990 Section 55(2)(a)(ii); The Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).

Assessment

This property is not in a conservation area nor is it a listed building and at present the property enjoys all of its ‘permitted development' rights.

As the application is for a Lawful Development Certificate for a proposed development, the planning merits of the scheme do not fall to be considered. The purpose of the application is to determine whether or not planning permission would be required from the Local Planning Authority. The only factors to be taken into account are:

1. Whether the proposed development would constitute development within the meaning of section 55(2)(a)(ii) of the Town and Country Planning Act 1990

1. If so, whether Permitted Development rights apply to the property and whether the proposal would be Permitted Development under the General Permitted Development Order.

The proposal comprises the erection of a single storey rear extension. Thus, the proposal constitutes the carrying out of building on or over land that would materially affect the external appearance of the existing building. As such, it is regarded as development defined by section 55(2) (a)(ii) of the Town and Country Planning Act 1990.

A planning history search for this site has been undertaken and the application property does enjoy all of its Permitted Development Rights.

The application therefore falls to be considered under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 1 (Development within the curtilage of a dwelling house), Class A (enlargement, improvement or other alteration of a house).

Permitted Development

A. The certificate of lawful development for the enlargement, improvement or other alteration of a house is permitted development subject to complying with the relevant criteria below.

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 M, N, P, PA or Q of Part 2 of this Schedule (change of use)

Comment *Permission of this dwelling was not granted by virtue of Class M, N, P, PA or Q of Part 2 of this Schedule (change of use).*

(b) As a result of the works, the total area of the 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 dwelling)

Comment *The total area covered will not exceed 50% of the total curtilage area.*

(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

Comment *The maximum height of the roof will not exceed the height of the highest part of the roof of the existing dwelling.*

(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

Comment *The maximum height of the eaves will not exceed the height of the eaves of the existing dwelling.*

(e) The enlarged part of the dwellinghouse would extend beyond a wall which –

(i) forms the principle elevation of the original dwellinghouse; or

(ii) fronts a highway and forms a side elevation of the original dwellinghouse

Comment *The enlarged part of the dwellinghouse would not extend beyond a wall which forms the principle elevation or fronts a highway.*

(f) 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

Comment *The proposed does not extend beyond the rear wall by more than 4 metres nor does it exceed 4 metres in height.*

(g) Until 30th May 2019, 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) exceeds 4 metres in height

Comment *The proposed extension does not extend beyond the rear wall by more than 4 metres nor does it 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

Comment *The proposed extension does not have more than a single storey.*

(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

Comment *The proposed extension will be located within 2 metres of a boundary of the curtilage of the dwelling house but the height of the eaves of the enlarged part would not 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

Comment The Council's historic imagery shows the building in 1965 having the same footprint with the stepped rear elevation as existing at the time this application was submitted. Consequently the enlarged part of the dwellinghouse will extend beyond a wall forming a side elevation(south elevation) of the original dwelling and will 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);

Comment The total enlargement exceeds the limits set out in sub-paragraph (j). The enlarged part of the dwellinghouse will extend beyond a wall forming a side elevation of the original dwelling and will have a width greater than half the width of the original dwellinghouse.

(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

Comment The submitted plans do not include any of the above. The dwelling appears to benefits from raised decking which is existing.

A.2 In the case of a dwellinghouse of 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)

Comment *The dwelling is not of article 2(3) land.*

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) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse

Comment *The materials used within this proposal will include red brick and concrete roof tiles which will match those used in the construction of the host dwelling.*

(b) Any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall 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

Comment *The proposal does not include any upper-floor windows.*

(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

Comment *The proposal is for a single storey extension.*

Conclusion

The proposed development has been assessed against the relevant legislation, Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2 Part 1, Class A and it has been refused as permitted development. The proposal does not meet the

requirements set out, in particular part (j) and (ja), as the enlarged part of the dwellinghouse will extend beyond a wall forming a side elevation of the original dwelling and will have a width greater than half the width of the original dwellinghouse. As a result, the proposal is refused a lawful development certificate and does require planning permission.

Recommendation: Refuse certificate

Decision Authorisation - Delegated Powers

Application Number: 2017/93747

Officer Recommendation: Refuse certificate

The proposed single storey extension does **not** benefit from a general planning permission under the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended), Class A, Part 1 of Schedule 2 as the proposed extension projects beyond the side elevation of the original dwellinghouse and has a width greater than half the width of the original dwellinghouse.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	1739-D-20-001		06/03/2018
Existing Site and Ground Floor Plans	1739-D-20-002		06/03/2018
Proposed Site and Ground Floor Plans	1739-D-20-003		06/03/2018
Existing Elevations	1739-D-20-004		06/03/2018
Proposed Elevations	1739-D-20-005		06/03/2018

Report Dated: 30/04/2018