

**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/94171/E

Site: 60, Station Lane, Birkenshaw, BD11 2JE

Description: Certificate of lawfulness for proposed single storey
garage extension

Case Officer: Jennifer Booth

Decision Reference: PROPOSED OPERATIONS GRANT

I hereby authorise the approval 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 05-Feb-2019

Reference:- 2018/94171

Applicant:- A Kemp

Location:- 60 Station Lane, Birkenshaw, BD11 2JE

Proposal:- Certificate of lawfulness for proposed garage extension

Site Description

The property is a detached bungalow with a sideways "T" shape. The property has gardens to the front, side and rear with an existing garage attached to the side.

The property is located within a residential street with similarly aged properties although there some variances in terms of design and size.

Application Proposal

The application is for a certificate of lawful proposed development for a single storey extension for a garage. The extension would site to the side of the dwelling and would extend out beyond the rear elevation. The onus is on the applicant to provide evidence which states why the proposal fits with the permitted development legislation. In this case, the applicant has stated on the application form that the proposal is permitted development.

The extension would be set back 3.2m from the front elevation of the dwelling, project 6.4m from the original side wall of the property and extend out 2m beyond the rear elevation of the property.

No information has be supplied regarding the materials for construction although the extension would have a flat roof form and the plans are annotate to the effect that the existing roof would be covered with new slates.

Relevant Planning History

None

Consultations

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

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:-

The main considerations in the determination of this application are:

1. Whether the proposed development would constitute development as defined 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
2. Whether the proposed development falls within permitted development 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).

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

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 alterations of a house)

Permitted development – Single storey extension

- A. The certificate of lawful development for the enlargement of a dwellinghouse consisting of the addition of an extension to the rear of the house is permitted development subject to complying with the relevant criteria below.

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 M, N, P or Q of Part 3 of this Schedule (changes of use);
Comment *Permission for this dwelling was not granted by virtue of Class M, N, P 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);
Comment *As can be seen from the location plan provided by the applicant, the proposed extension would not take up more than 50% of the*

area of the curtilage of the 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;
Comment The height of the extension would not 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
Comment The height of the eaves of the extension would not exceed the height of the eaves of the original dwelling.
- (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;
Comment The extension would not protrude beyond the principal elevation of the original dwellinghouse nor would it directly front a highway.
- (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 (ii) 3 metres in the case of any other dwellinghouse, (iii) Exceed 4 metres in height;
Comment The extension has a projection to the rear of the dwelling, which is an detached property and the proposed projection is 2m from the original rear wall of the dwelling.
- (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) Exceed 4 metres in height;
Comment the extension is proposed to the side and rear of the dwelling and does not exceed the limitations of (f).
- (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 opposite the rear wall of the dwellinghouse;
Comment the proposed extension is a single storey side extension and therefore this condition is not relevant.

- (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 extension would be within 2 m of the boundary of the curtilage of the dwellinghouse, particularly on the boundary with the adjoining property. However, the roof form would be flat therefore the overall height of the extension is 2.5m.*
- (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 extension does extend out 6.4m beyond the side elevation of the dwelling. However, the property has a width of 19m. The proposed extension would therefore not exceed the limitations of (j)*
- (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 subparagraphs (e) to (j); *N/A*
- (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 proposal does not include the construction of a verandah, balcony or raised platform, the installation, alteration or replacement of a microwave antenna, the installation, alteration or replacement of a chimney, flue or soil and vent pipe and an alteration to any part of the roof of the dwellinghouse.*

A.1 Development is not permitted by Class A if—

Conditions

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.

Comment: The dwellinghouse is not located in the conservation area and therefore the above conditions are not relevant.

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; materials *have not been specified*. *A note should be added to ensure the applicant is aware that as permitted development, the materials must match the main house.*

(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, the roof pitch of the enlarged part must, as far as practicable, be the same as the roof pitch of the original dwellinghouse.

Conclusion

The proposed single storey extension for 60 Station Lane would be permitted development as set out in Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 subject to respective conditions as set out in paragraphs A.2 & A.3 of the same Order.

Recommendation: GRANT certificate

Decision Authorisation - Delegated Powers**Application Number:** 2018/94171**Officer Recommendation:** Grant certificate

The proposed single storey extension for 60 Station Lane would be permitted development as set out in Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 subject to respective conditions as set out in paragraphs A.2 & A.3 of the same Order.

Plans and specifications schedule:-

Plan Type	Reference	Web ID	Date Received
Location plan	-	726795	19/12/2018
Existing site plan	2005	726798	19/12/2018
Existing elevations	2006	726797	19/12/2018
Proposed site plan	2003	726800	19/12/2018
Proposed floor plans	2001	726801	19/12/2018
Proposed elevations	2004	726799	19/12/2018

Report Dated 11/01/2019