

**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.: 2019/CL/90376/W

Site: 1, Crodingley, Thongsbridge, Holmfirth, HD9 3TZ

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

Case Officer: Jason Hammond

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 03-Apr-2019

Officer Report.

Reference: 2019/90376

Location: 1 Crodingley, Thongsbridge, Holmfirth, HD9 3TZ

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

Site Description.

1 Crodingley is a two-storey detached property located in Thongsbridge, Holmfirth. The property is constructed in regular coursed natural stone, with a pitched roof. The front of the property benefits from a large garden, with a driveway to the side and detached garage and larger garden to the rear. Properties in the area share a similar design of natural stone and pitched roofs, although are predominantly bungalows.

Description of Proposal.

Permission is sought for a Certificate of Lawfulness for the erection of a single storey rear extension that is to adjoin on to the existing detached garage on the north-eastern side. The extension is to project 3.60 metres from the rear and have a length of the full width of the house at 11.60 metres. The extension is to have a maximum height of 3.85 metres and eaves of 2.50 metres. Landscaping in the garden is also proposed.

History of Negotiations.

No known changes for this proposal.

Relevant Planning History.

No relevant planning history for this site.

Consultation Responses.

No consultations were deemed necessary for this proposal as it is an application for a Lawful Development Certificate.

Legislation / Policy.

As this is for a Lawful Development Certificate, local and national policy documents do not apply and do not need to be considered. The planning

merits of the scheme also do not need to be considered. The only factors to be taken into consideration are:

- 1) Whether the proposal would constitute as development as defined in 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 proposal would be Permitted Development under the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).

Assessment.

It is considered that the proposed extension would constitute as a building operation and would materially affect the external appearance of the building and would therefore be classed as development as defined in Section 55(2)(a)(ii) of the Town and Country Planning Act 1990.

There is no record of Permitted Development rights being removed for the property at 1 Crodingley.

Schedule 2, Part 1, Class A of the General Permitted Development Order sets out the Permitted Development rights which relates to the 'enlargement, improvement or other alteration to a dwellinghouse'. The proposal is to be assessed under the following:

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: Dwelling erected under Planning Permission.

- a)** *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: Less than 50% of the curtilage would be covered by buildings

- b)** *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 extension would not exceed the highest part of the roof of the existing dwellinghouse.

- c)** *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 eaves of the extension are at the same height of the eaves of the existing dwellinghouse.

- d)** *The enlarged part of the dwellinghouse would extend beyond a wall which –*

- (i) forms the principal elevation of the original dwellinghouse; or*
- (i) fronts a highway and forms a side elevation of the original dwellinghouse;*

Comment: The proposed extension would be to the rear of the property and does not project beyond the principal elevation and would not front a highway.

- e)** *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 dwelling, or*
- I. 3 metres in the case of any other dwellinghouse.*
- II. Exceed 4 metres in height;*

Comment: The proposed enlargement of the dwellinghouse adjoins an existing detached garage thus enlarging the dwellinghouse by attachment. The resulting enlargement would exceed 4 metres in projection.

- f)** *Until 30th May 2019, for a dwelling not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single story 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*
- I. Exceed 4 metres in height*

Comment: Not applicable as this application is not for prior approval.

- g)** *The enlarged part of the dwellinghouse would have more than a single storey and-*

- i. Extend beyond the rear wall of the 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: Not applicable as the extension is single storey in height.

- h) 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 enlarged part of the dwelling, including the garage would fall within 2 metres of the boundary although the eaves do not exceed 3 metres in height.

- i) 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*
 - I. Have more than a single storey, or*
 - II. Have a width greater than half the width of the original dwellinghouse*

Comment: The proposed enlargement of the dwellinghouse includes the attachment of the proposed works to an existing garage thus incorporating the garage into the dwellinghouse and the works to enlargement the original dwelling. The enlarged part of the dwellinghouse therefore extends beyond the side elevation of the original dwelling and has a width more 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 existing garage to which the proposed extension is to be adjoined is not considered to be an existing enlargement of the dwellinghouse and thus not an enlargement for the purposes of paragraph (ja).

- j) It would consist of or include –*
- i. The construction or provision of a veranda, 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: None of the above are proposed.

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;*
- a) *the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or*
- b) *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 property is not on 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) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;*
- a) *any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—*
 - I. *obscure-glazed, and*
 - I. *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*
 - II. *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.*

Comment: There is no reason as to why the proposal would not comply with the above.

Conclusion.

The proposal has been considered against the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and is recommended for refusal.

The proposed single storey rear extension is to extend beyond a side elevation of the existing detached structure and would have a width greater than half of the original dwelling and would not comply with Schedule 2, Part 1, Class A.1 paragraphs (f) & (j) of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) by reason of the enlargement of the dwellinghouse including the incorporation of the existing garage into the dwellinghouse.

Recommendation: Refuse Certificate

Decision Authorisation - Delegated Powers.

Application Number: 2019/90376

Officer Recommendation: Refuse Certificate

The proposed single storey rear extension is to extend beyond a side elevation of the existing detached structure and would have a width greater than half of the original dwelling and would not comply with Schedule 2, Part 1, Class A.1 paragraphs (f) & (j) of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) by reason of the enlargement of the dwellinghouse including the incorporation of the existing garage into the dwellinghouse.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Grouped Plans and Elevations	18.047(2-)1	B	07/02/2019

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

Report Dated: 02/04/2019