

**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/90457/W

Site: Heatherdene, 397, Manchester Road, Marsden,
Huddersfield, HD7 6DP

Description: Certificate of lawfulness for proposed erection of
single storey rear and front porch extensions

Case Officer: Laura Yeadon

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 01-Jul-2019

Officer Report

Site Description

Heatherdene is a detached bungalow faced in stone with tiles of a hipped roof. It has a small projection on the rear elevation, faced in brick. The dwelling and its curtilage are set on land which rises steeply from Manchester Road to the north. This arrangement is the same for neighbouring properties.

To the south of the site at the highest point of the curtilage is a detached timber single garage on land levelled by a retaining wall at the top of the garage. The garage and rear of the site are accessed via a track serving No. 397 and the neighbouring dwellings. The track separates No. 397 and neighbours from open farmland.

Description of Proposal

Permission is sought for a Certificate of Lawfulness for the erection of a single storey extension to the rear of the property and a porch to the front of the property. At the time of the site visit, no works had commenced.

The rear extension would project from the rear elevation of the property by 4 metres and would be a total width of 4.1 metres with an eaves height of 2.35 metres and overall height of 4 metres to the ridge of the pitched roof.

The extension would be constructed from stone for the walls, tiles for the roof and uPVC for the openings to match the existing.

The porch would project from the front elevation by 1.5 metres and would be a width of 2 metres with a height of 3 metres to the ridge of the flat roofed porch. The porch would be glazed, set upon a stone plinth.

The property has had its Permitted Development Rights removed under application number 2018/90987 which was an application for the demolition of the existing garage and the erection of a replacement. The condition states that:

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A, B or E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: *In the interest of preserving the openness of the Green Belt, preventing harm to the character of the area or impacting upon the amenity of neighbouring residents, in accordance with Policies D11, BE1 and BE2 of the Kirklees Unitary Development Plan, PLP24 and PLP57 of the Kirklees Publication Draft Local Plan and Paragraph 17, Chapter 7 and Chapter 9 of the National Planning Policy Framework.*

However, works to the garage have not commenced and therefore, Permitted Development Rights still remain on the property at the time of this application was received by the Local Planning Authority.

History of negotiations/amendments received

Discussions have taken place with the Agent as the size of the porch did not comply with regulations and also, it was considered that the rear extension would project off an original side elevation therefore not complying with regulations. Amended plans have been received to accommodate these comments.

Relevant Planning History

1990/02972 Erection of single storey extension
Conditional Full Permission

2017/93928 Erection of detached garage and workshop
Refused

2018/90987 Demolition of existing garage and erection of replacement garage
Conditional Full Permission

2018/93758 Erection of single storey rear extension and front porch
Withdrawn

Consultation Responses

None required

Issues and Assessment

Applications for Certificates of Lawful Developments for the erection of extensions to dwellings are assessed against the general permission conferred by the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).

Single storey extensions:

Schedule 2, Part 1, Class A of the Order sets out the Permitted Development Rights which relates to the 'enlargement, improvement or other alteration to a dwellinghouse'. In assessing the proposal against this:

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: *The dwellinghouse has not been granted as a dwellinghouse by the above applications.*

- 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 single storey rear 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 single storey extension would not exceed the 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 on the rear elevation of the property and not the principal elevation and would not front a highway and form a side elevation*

- 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 rear extension would not exceed 4 metres in projection nor would it exceed 4 metres in height*

- 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 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
 - 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 to be 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 extension would be within 2 metres of the boundary of the dwellinghouse however the eaves height of the extension would not exceed 3 metres*

- i) The enlarged part of the dwellinghouse would extend beyond 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 extension would not exceed 4 metres in height nor would it 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: *Not applicable*

- j) 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 proposed rear extension projects beyond the plane of the existing roof slope and as such enlarges the roof space. The enlargement amounts to approximately 16 cub. Metres and with no further enlargements to the original roof slope the roof enlargements falls within the limitations as set out in Class B of Part 1.*

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;
- 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: *The proposal is for a single storey extension and therefore complies with the above.*

Porch

Schedule 2, Part 1, Class D of the Order sets out the Permitted Development Rights which relates to the 'erection or construction of a porch outside any external door of a dwellinghouse'. In assessing the proposal against this:

Development not permitted

D.1 Development is not permitted by Class D if-

- a) permission to use the dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);

Comment: *The dwellinghouse has not been granted as a dwellinghouse by the above applications.*

- a) the ground area (measured externally) of the structure would exceed 3 square metres;

Comment: *The porch would not exceed more than 3 square metres when measured externally*

- b) any part of the structure would be more than 3 metres above ground level; or

Comment: *The structure would not be more than 3 metres above ground level*

- c) any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway

Conclusion:

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

The proposed single storey rear extension and porch as shown on plans listed in the table below benefit from a general planning permission granted under Schedule 2, Part 1, Classes A, B and Class D of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) subject to conditions within Class A.3 and B.2 of the same Order.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan, existing elevations and floor plans	A(00)-01		13th February 2019
Location plan, proposed elevations and floor plans	A(10)-02 Rev: E		27th June 2018

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 Planning 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. Discussions have taken place with the Agent as the size of the porch did not comply with regulations and also, it was considered that the rear extension would project off an original side elevation therefore not complying with regulations. Amended plans have been received to accommodate these comments.

Dated: 28th June 2019