# 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/91440/W |
| Site: | 64, Waterloo Road, Waterloo, Huddersfield, HD5 0AF |
| Description: | Certificate of lawfulness for proposed single storey extension to rear |
| Case Officer**:** | Ellie Worth |
| **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 21-Jun-2019**

Site description

Officer report
64 Waterloo Road, Waterloo is a two storey semi detached property constructed from brick and render with a tiled roof. The property benefits from a small landscaped area to the front, an area of hardstanding to the side and private amenity space to the rear. Vehicular and pedestrian access can be taken from the front boundary at the application site onto Waterloo Road.

The site and the wider area is dominated by residential properties, most of which appear to be two storey and semi-detached.

The site is unallocated on the Kirklees Local Plan.

**Description of proposal**
Permission is sought for a Certificate of Lawfulness for the erection of a single storey rear extension.

The projection of the proposed extension would be 2.1m from the original rear wall at the dwellinghouse and would have a width of 5.7m. The height to the eaves are 2.4m and the overall height would be 3.4m.

The proposal would serve as an extension to the existing dining room and kitchen. The extension will be constructed from brick and render with a tiled roof to match the host property.

The dwelling has not had is permitted development rights removed.

**History of negotiations/amendments received**
No negotiations have taken place and no amended plans have been received.

**Relevant Planning History**
90/06259 Erection of single storey extension to form porch/toilet area – Refused
91/03222 Erection of single storey extension to form porch/toilet area – Granted

**Consultation Response**
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).
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.*

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:*** *The extension will be less than 50% of the curtilage*

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 highest part of the roof on the original 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 eaves on the extension would not 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;
***Comment:*** *The proposed extension would be on the rear elevation which does not form the principle elevation. Also the extension would not front a highway.*

g) 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
ii. Exceed 4 metres in height
***Comment:*** *Not applicable as this application is not for a large homes extension.*

h) 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 rear extension is single storey in height.*

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 metres of a boundary, however, the height of the eaves of the enlarged part would not exceed 2.4m.*

j) 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
ii. Have more than a single storey, or
iii. Have a width greater than half the width of the original dwellinghouse
***Comment:*** *The extension would not extend beyond a wall forming a side elevation.*

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 extension will be altered and included as part of this proposal. Nonetheless, the enlargement would not exceed the limits outlined above.*

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 of 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 involves the enlargement of an existing single storey extension by way of a two hip to gable enlargements. However, these*

*enlargements benefit from a general permission by virtue of Class B of the Order.*

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 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;
b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be obscurely glazed
***Comment:*** *The submitted plans show the proposed extension to be constructed from brick and render with a tiled roof to match the host property.*

**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 benefits from a general planning permission granted under Schedule 2, Part 1, Class A & B of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) subject to conditions stated in paragraphs A.3 & B.2 of the same Order.

Plans and specifications schedule:

| Plan Type | Reference | Version | Date Received |
|---|---|---|---|
| Location plan | - | - | 01.05.19 |
| Existing ground floor plan | 01 | - | 01.05.19 |
| Existing elevation | 02 | - | 01.05.19 |
| Proposed floor plan | 03 | - | 01.05.19 |
| Proposed elevation | 04 | - | 01.05.19 |

**Report Dated:** 20.06.19