

**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/91820/W

Site: 29, Pike Law Lane, Scapegoat Hill, Huddersfield,  
HD7 4PL

Description: Certificate of lawfulness for proposed single storey  
extension

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.**

Neil Bearcroft

**AUTHORISED OFFICER**

**Date 29-Jul-2019**

## Officer Report

### Site Description

29 Pike Law Lane is a detached property located within an area defined as Unallocated Land within the Kirklees Local Plan. The property is located within a sloping site and is split level in height with a sloping, sweeping driveway accessing the property from the roadside.

### 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.

The extension would project from the rear elevation of the property by 6.4 metres and would be a total width of 4.8 metres with an eaves height of 2.3 metres rising to an overall height of 4 metres to the ridge of the pitched roof.

The submitted details indicate that the lower section of the gable end would be the existing rendered garden retaining wall with the upper section being stone to match the existing with a pitched roof, also to match the existing.

The property has not had its Permitted Development Rights removed.

### History of negotiations/amendments received

No negotiations have taken place and no amended plans received.

### Relevant Planning History

2014/93338 Erection of single storey front extension, other alterations and the installation of a balcony to the front and side  
*Conditional Full Permission*

2019/91169 Certificate of lawfulness for proposed single storey extension  
*Withdrawn*

2019/91197 Prior notification for single storey extension (6.4m projection)  
*Prior approval not required*

### 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).

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 height of 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 height of the eaves would not exceed the height of the eaves of the 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 enlarged part of the dwelling would not extend beyond a wall which forms the principal elevation of the original dwellinghouse or fronts a highway and forms a side elevation of the original dwellinghouse*

- 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 enlarged part of the dwellinghouse would be single storey in height and would extend beyond the rear elevation by more than 4 metres. However, there is an extant permission for a Prior Notification for a Larger Home Extension for a rear extension projecting 6.4 metres with no time limit for its completion*

- f) 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:** *There is an extant permission for a larger home extension at a projection of 6.4 metres with no time limit for its completion*

- 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:** *The extension would not have more than a single storey therefore this is not applicable*

- 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 curtilage of the dwellinghouse however the eaves 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 extend beyond the side elevation of the 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:** *There is an enlarged section to the dwellinghouse which is to the front of the property and therefore 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:** *None of the above are proposed*

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 dwellinghouse is not on article 2(3) land and therefore not applicable*

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 proposed materials would be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. No upper floor openings are proposed.*

**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 single storey rear extension benefits from a general planning permission granted under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) subject to conditions within Class A of the same Order.

**Plans and specifications schedule:-**

| Plan Type                           | Reference | Revision | Date Received |
|-------------------------------------|-----------|----------|---------------|
| Location plan                       | 0101      | P01      | 3rd June 2019 |
| Existing elevations and floor plans | 2001      | P01      | 3rd June 2019 |
| Proposed elevations and floor plans | 2002      | P03      | 3rd June 2019 |
| Block plan                          | 9002      | P01      | 3rd June 2019 |

**Dated:** 29th July 2019