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/93294/W

Site: 18, Howard Way, Meltham, Holmfirth, HD9 4NW

Description: Certificate of lawfulness for proposed demolition of existing conservatory and erection of single storey rear extension

Case Officer**:** Alice Huxley

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 02-Dec-2019

Officer Report

Site Description

18, Howard Way, Meltham, Holmfirth.

18 Howard Way is an artificial stone constructed detached dwelling with a concrete tiled pitched roof. The site sits within a predominantly residential area and it is noted that there are mature trees beyond the rear boundary line.

Description of Proposal

Permission is sought for a Certificate of Lawfulness for the proposed demolition of existing conservatory and erection of single storey rear extension.

The proposed extension will project approximately 3.9 metres from the original dwellings rear elevation at a width of approximately 6.2 metres, an eaves height of approximately 2.65 metres rising to an overall height of 4.3 metres. Proposed materials include, artificial stone walls, a concrete tiled mono-pitched roof upvc windows to match the host property. The extension will also incorporate two sky lights in its mono-pitched roof.

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

None.

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 dwelling/house’. 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 dwelling/house 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 dwelling/house 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 dwelling/house) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwelling/house);

***Comment:** The extension would be less than 50% of the total area of the curtilage.*

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 dwelling/house;

***Comment**: The height of the extension would not exceed the highest part of the roof on the original existing dwelling/house.*

c) The height of the eaves of the part of the dwelling/house enlarged, improved or altered would exceed the height of the eaves of the existing dwelling/house

***Comment:** The eaves on the extension would not exceed the height of the eaves of the existing dwelling/house.*

d) The enlarged part of the dwellinghouse would extend beyond a wall which –
    (i) forms the principal elevation of the original dwelling/house; or
    (i) fronts a highway and forms a side elevation of the original dwelling/house;

***Comment**: The proposed extension would extend beyond the rear elevation of the original dwelling/house.*

e) subject to paragraph (g), the enlarged part of the dwelling/house would have a single storey and-

    I. extend beyond the rear wall of the original dwelling/house by more than 4 metres in the case of a detached dwelling, or
    I. 3 metres in the case of any other dwelling/house.
    II. Exceed 4 metres in height;

***Comment**: The proposed extension would extend beyond the rear wall by 3.9 metres and whilst the extension would exceed the 4 metres when measuring from the rear elevation, it is a height of 3.9 metres from the land adjacent.*

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 dwelling/house 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 dwelling/house, or
    I. Exceed 4 metres in height

***Comment**: Not applicable as this application is not for a large homes extension.*

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

    i. Extend beyond the rear wall of the dwelling/house by more than 3 metres, or
    ii. Be within 7 metres of any boundary of the curtilage of the dwelling/house opposite the rear wall of the dwelling/house

***Comment**: Not applicable as the proposed extension is single storey.*

h) The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwelling/house, and the height of the eaves of the enlarged part would exceed 3 metres;

***Comment**: The height of the eaves enlarged would not exceed 2.7 metres.*

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 dwelling/house

***Comment**: Not applicable as the proposed extension would erect from the rear elevation 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 proposed extension does not exceed the limits set out in sub-paragraphs (e) to (j).*

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 of replacement of a chimney, flue or soil and vent pipe, or
iv. An alteration to any part of the roof of the dwelling/house

Comment*: Not applicable as none of the above are proposed.*

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 dwelling/house; or
b) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwelling/house.

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 dwelling/house;

Comment*: The proposed materials include artificial stone walls and a concrete tiled roof to match the original dwelling.*

a) any upper-floor window located in a wall or roof slope forming a side elevation of the dwelling/house 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 dwelling/house 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 dwelling/house.

Comment*: Not applicable as the proposal relates to a single storey rear extension.*

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	Version	Date Received
Location Plan	1924-D-20-001	1	08/10/2019
Existing Site and Floor Plans	1924-D-20-002	1	08/10/2019
Proposed Site and Floor Plans	1924-D-20-003	1	08/10/2019
Existing and Proposed Elevations	1924-D-20-004	1	08/10/2019

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 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. The Case Officer did not enter into negotiations or request amended plans for the proposed development as it was considered that the application was considered acceptable in its submitted form.

Dated: 29/11/2019