

**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.: 2020/CL/90631/E

Site: 2, Emley View, Skelmanthorpe, Huddersfield, HD8
9US

Description: Certificate of Lawfulness for proposed single
storey rear extension

Case Officer: Jennifer Booth

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 16-Apr-2020

Reference: 2020/90631

Applicant: Mr & Mrs Watson

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Location: - 2 Emley View, Skelmanthorpe, HD8 9US

Proposal: - Certificate of lawfulness for proposed single storey rear extension

Site Description

The host property is modern detached stone built dwelling with an open drive & garden area to the front and an enclosed garden to the rear.

The property is located in a residential street with similarly aged properties although there are some variances in terms of design.

Application Proposal

The application is for a certificate of lawful proposed development for a single storey rear extension. The onus is on the applicant to provide evidence which states why the proposal fits with the permitted development legislation. In this case, the applicant has stated on the application form that the proposal is permitted development.

The single storey extension is proposed to project 4m and would extend across the full width of the rear elevation. The roof form would be lean to for the most part with a pitched detail which would have full height glazing. The extension would have an eaves height of 2.5m with an overall height to 3.5m. The walls would be constructed using stone with tiles for the roof covering. There would be 4 roof lights in the roof slope.

Relevant Planning History

The development has been constructed under 2012/92948 which was refused by the LPA although this was upheld at appeal. The conditions did not include the removal of permitted development rights.

Consultations

This is an application for a Lawful Development Certificate and for this reason, no consultations are necessary.

However, as the property is located in Skelmanthorpe, Denby Dale Parish Council have been consulted.

Legislation

The application falls to be considered under the relevant legislation as follows:

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The Town and Country Planning Act 1990 Section 55 and the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

Assessment: -

The main considerations in the determination of this application are:

1. Whether the proposed development would constitute development as defined section 55 of the Town and Country Planning Act 1990;
1. If so, whether Permitted Development rights apply to the property; and
2. Whether the proposed development falls within permitted development under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 1 (Development within the curtilage of a dwelling house), Class A (enlargement, improvement or other alteration of a house).

The proposal comprises a single storey rear extension. Thus, the proposal constitutes the carrying out of building on and over land that would materially affect the external appearance of the existing building. As such, it is regarded as development as defined by section 55 of the Town and Country Planning Act 1990.

The application therefore falls to be considered under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 1 (Development within the curtilage of a dwelling house), Class A (enlargement, improvement or alterations of a house).

Permitted development – Single storey rear extension

- A. The certificate of lawful development for the enlargement of a dwellinghouse consisting of the addition of an extension to the rear of the house is permitted development subject to complying with the relevant criteria below.

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 *Permission for this dwelling was not granted by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use).*

- (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* *As can be seen from the location plan provided by the applicant, the proposed extension would not take up more than 50% of the area of the curtilage of the dwellinghouse.*
- (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 height of the highest part of the roof of the 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 height of the eaves of the extension would not exceed the height of the eaves of the original dwelling.*
- (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 extension would not protrude beyond the principal elevation of the original dwellinghouse nor would it directly front a highway.*
- (f)** 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 dwellinghouse, or (ii) 3 metres in the case of any other dwellinghouse, (iii) Exceed 4 metres in height;
- Comment* *The extension is proposed to the rear of the dwelling, which is a detached property and the proposed projection is 4m from the original rear wall of the dwelling with a height of 3.5m.*
- (g)** until 30th May 2019, for a dwellinghouse 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 (ii) Exceed 4 metres in height;
- Comment* *the extension is proposed to the rear of the dwelling and does not exceed the limitations of (f).*

- (h)** The enlarged part of the dwellinghouse would have more than a single storey and—
- (i) Extend beyond the rear wall of the original 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 proposed extension is a single storey extension and therefore this condition is not relevant.*
- (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 m of the boundary of the curtilage of the dwellinghouse, particularly on the boundary with the adjoining property. However, the eaves of the extension would be 2.5m and the overall height of the extension is 3.5m.*
- (j)** 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,
 - (ii) Have more than a single storey, or
 - (iii) Have a width greater than half the width of the original dwellinghouse;
- Comment* *the proposal is for a rear extension.*
- (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 subparagraphs (e) to (j); *the extension is proposed to the rear of the dwelling and does not exceed the limitations of (f) and is therefore within these limitations.*
- (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 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 proposal does not include the construction of a verandah, balcony or raised platform, the installation, alteration or replacement of a microwave antenna, the installation, alteration or replacement of a chimney, flue or soil and vent pipe and an alteration to any part of the roof of the dwellinghouse.*

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;

(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 dwellinghouse is not located in a conservation area.

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— (i) obscure-glazed, and (ii) 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

(c) 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.

Conclusion

The proposed single storey rear extension for 2 Emley View does meet the criteria of permitted development as set out in Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 subject to respective conditions as set out in paragraphs A.2 & A.3 of the same Order.

Recommendation: GRANT certificate

Decision Authorisation - Delegated Powers

Application Number: 2020/90631

Officer Recommendation: GRANT certificate

The proposed single storey rear extension for 2 Emley View benefits from a general planning permission by virtue of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015(as amended) subject to respective conditions as set out in paragraph A.3 of the same Order.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location plan	PL03	796472	26/02/2020
Existing plans	PL01	796473	26/02/2020
Proposed plans	PL02	796471	26/02/2020

Report Dated 17/03/2020