

**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/92246/W

Site: Wall Nook Farm, Wall Nook Lane, Cumberworth,
Huddersfield, HD8 8YB

Description: Certificate of Lawfulness for proposed demolition
of front porch, erection of single and two storey rear extension and exterior
alterations

Case Officer: Sam Jackman

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 27-Oct-2020

Site Description

Wall Nook Farm, Wall Nook Lane, Cumberworth, Huddersfield

The application relates to a two-storey farmhouse with an attached barn conversion creating a semi-detached dwelling in an isolated location above Cumberworth. The dwelling is a stone structure and with a stone slate roof.

To the front of the property there is a small porch and enclosed garden with off street parking.

Application Proposal

Permission is sought for a Certificate of lawfulness for a new front porch, drive with hardstanding, single storey & two storey rear extension along with decking to the rear.

The proposed front porch would be

The proposed new drive would be constructed of permeable surface.

The proposed rear extension would project 2.3m from the rear elevation of the host property at a width of 5.7m, an eaves height of 2.8m rising to an overall height of 3.8m inclusive of the lean-to roof.

The property has not had its Permitted Development Rights removed.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f92246>

History of negotiations/amendments received

Discussions have taken place with the agent for clarity on the drive surface, height of the rear decking and the distance of the rear extension from the revised redline boundary.

Relevant Planning History

2019/91358 – Variation extension and extension to curtilage - withdrawn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).

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:

Class A. The enlargement, improvement or other alteration of a dwellinghouse. – rear extension

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: Not applicable.

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

Comment: The total area of ground covered by buildings would not exceed 50% of the total area of 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 dwelling/house.

Comment: The height of the rear extensions would not exceed the highest part of the roof of the existing dwelling.

- d) 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 height of the enlarged would not exceed the height of the existing eaves.

- e) 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: Not applicable as the proposed extension relates to a rear extension.

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

- i. extends beyond the rear wall of the original dwelling/house by more than 4 metres in the case of a detached dwelling, or 3 metres in the case of any other dwelling/house.
- ii. Exceed 4 metres in height.

Comment: *The single storey extension would have a projection of approximately 3m and a height of 3m.*

g) 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.*

h) 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: *the 2-storey extension does not exceed 3m or be within 7m of the rear boundary.*

i) 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 would be 4.4m at 2m from the boundary for the two storey part of the building. With regard to the single storey part of the building, the curtilage boundary was unclear on the west side of the proposal by reason of an existing adjoining building which appeared to be part of the former agricultural use rather than domestic in use. The applicant has, however, provided a statutory declaration from a previous occupier of the building within which it is stated the building was historically used for the garaging of vehicles and storage of domestic paraphernalia. The Council has no evidence contrary to this claim and therefore weight can be given to this evidence that the adjoining garage formed part of the domestic curtilage. The single storey and two storey part of the proposed extension do not therefore fall within 2 metres of the curtilage boundaries.*

- 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
 - 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.*

- k) 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 or 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: *The proposal would include raised decking at the rear at 30cm above ground level.*

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: *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.

Comment: *the materials proposed are stone and stone slate*

(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

Comment: one window proposed in the side elevation which will have an opening window above 1.7m of the finished floor level and is to a bathroom.

(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.

Comment: the roof pitch reflects the host building.

Class D. The erection or construction of a porch outside any external door of a dwellinghouse.

D.1 Development is not permitted by Class D 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: Not applicable

(b) the ground area (measured externally) of the structure would exceed 3 square metres.

Comment: the porch measures 1.17m by 2.37m = 2.77 square meters

(c) any part of the structure would be more than 3 metres above ground level: or

Comment: the porch is less than 3m high

(d) any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway.

Comment: the porch is over 2m from a boundary adjacent to a highway.

Class F – hard surfaces incidental to the enjoyment of a dwellinghouse
Permitted development

F. Development consisting of—

(a) the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such; or

(b) the replacement in whole or in part of such a surface.

Development not permitted

F.1 Development is not permitted by Class F if 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: *not applicable*

Conditions

F.2 Development is permitted by Class F subject to the condition that where—

(a) the hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and

Comment: *the parking is to the front of the property*

(b) the area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres, either the hard surface is made of porous materials, or provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

Comment: *the area covered is over 5 square meters but with a permeable surface.*

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 and two storey rear enlargement, front porch and hardsurface as shown on the plan specified below benefits from a general planning permission granted under Schedule 2, Part 1, Class A, D & F of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) subject to conditions stated within paragraph A.3 & F.2 of the same Order.

This decision is based on the following plans: -

Plan Type	Reference	Version	Date Received
Location plan			
Plans- Grouped Plans & Elevations	(PL1) 03G		03/09/2020
Statutory Declaration	26-10-2020		27/10/2020

Report dated 3.9.20

