

**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/92339/W

Site: 5, Rafborn Grove, Salendine Nook, Huddersfield,
HD3 3UB

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

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 15-Sep-2020

Officer Report

Site Description

5, Rafborn Grove, Salendine Nook, Huddersfield.

The site occupies a two-storey, semi-detached stone constructed dwelling that benefits from a large amenity space to the rear. Driveway access is directly taken from Rafborn Grove and it is noted that there is a detached garage on site.

Description of Proposal

Permission is sought for a Certificate of lawfulness for proposed erection of single storey extension to rear, demolition of existing conservatory and external alterations

The property has not had its Permitted Development Rights removed.

History of negotiations/amendments received

The case officer requested amended plans reducing the projection of the rear extension from 3.1m to 3m so the scheme would comply with Schedule, 2 Part 1, Class A.1(f) of the Town and Country Planning (General Permitted Development) (England) Order 2015(as amended). Amendments were received on 9th September 2020.

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: *Not applicable.*

- 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 total area of ground covered by buildings would not exceed 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 height of the highest part of the roof.*

- 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 height of the eaves of the extension would not exceed the height of the height of the existing eaves.*

- 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: *Not applicable.*

- 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 enlarged part of the dwelling would project 3m from the rear elevation of the original dwellinghouse and would not exceed 3.4m in height.*

- f) 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.*

- 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.*

- 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 eaves would not exceed 2.7m.*

- 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.*

- 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 original dwellinghouse appears to have consisted of a two storey building with an attached single storey garage at approximately 2.9 metre in height when compared with other similar dwellinghouses in the area. The garage was enlarged with a first floor extension in circa 1989 under planning permission ref: 89/02547. The proposed extension is single storey in height and would not adjoin the first floor extension.*

- 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 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: *Not applicable.*

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: *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 dwelling/house;

Comment: *The materials would harmonise well with the existing 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.*

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 paragraph A.3 of the same Order.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Grouped Plans and Elevations	G20072-01C	2	9 th September 2020.

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 requested amended plans reducing the projection of the rear extension from 3.1m to 3m so the scheme would comply with Schedule, 2 Part 1, Class A.1(f) of the Town and Country Planning (General Permitted Development) (England) Order 2015. Amendments were received on 9th September 2020.

Dated: 09/09/2020.