

**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/94308/E

Site: 321, Cliffe Lane, Gomersal, Cleckheaton, BD19
4SB

Description: Certificate of Lawfulness for erection of single
storey side and 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 10-Feb-2021

Reference:	2020/CLD/94308/E
Applicant: -	P & A Bell
Location: -	321, Cliffe Lane, Gomersal, Cleckheaton, BD19 4SB
Proposal: -	Certificate of lawfulness for proposed single storey extensions to side and rear

Site Description

321 Cliffe Lane is a brick built semi-detached dwelling with gardens to the front and rear.

The property is located on a residential street with properties of a similar age.

Application Proposal

The application is for a certificate of lawful proposed development for a single storey side extension and 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 side extension would be set back from the front of the dwelling, with a projection of 1.8m, tapering to a lesser width of 1.6m at the rear corner. The roof form would be flat with a height of 3m.

The rear extension would continue the width of the existing rear extension with a projection of 2.4m and a width of 2.2m. The roof form would be flat to a height of 3m.

Relevant Planning History

None

Consultations

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

Legislation

The Town and Country Planning Act 1990 Section 55 & the Town and Country Planning (General Permitted Development)(England) 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 extension to the side and a single storey extension to the rear of 321 Cliffe Laner. 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 extensions 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 extensions 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 extensions 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 extensions proposed would be to the side and the rear of the dwelling which does not 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 rear extension is proposed to project 2.44m.*
- (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 proposal does not fall under this criteria.*
- (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 extensions 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 height has been shown as not more than 3m.*

- (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 property has a width of 5.88m. As the side extension would project no more than 1.8m, the proposal falls within this criteria.
- (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 It is noted that the proposed enlargement would adjoin an existing extension to the dwelling which not exceed the limits in paras (e) to (j).
- (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 side extension and the single storey rear extension at 321 Cliffe Lane 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 paragraph A.3 of the same Order.

Recommendation: GRANT certificate

Decision Authorisation - Delegated Powers**Application Number:** 2020/94308**Officer Recommendation:** GRANT certificate

The proposed single storey side extension and the single storey rear extension at 321 Cliffe Lane benefits from a general planning permission by virtue of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 subject to conditions as set out in paragraph A.3 of the same Order.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Application form	-	847035	17/12/2020
Location plan	-	847143	17/12/2020
Proposed site plan	4530 -P -1	847140	17/12/2020

Report Dated 25/01/2021