

**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.: 2021/CL/90134/W

Site: 5, Belton Grove, Birchencliffe, Huddersfield, HD3
3RF

Description: Certificate of lawfulness for proposed single storey
extension to side

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 23-Mar-2021

Site Description

5, Belton Grove, Birchencliffe is a two-storey semi-detached property. The property is constructed from render with natural stone to the front ground floor elevation with a tiled hipped roof.

The property is located within a residential area with properties in the surrounding area sharing a similar style of design and construction.

Description of Proposal

Permission is sought for a Certificate of Lawfulness for a proposed single storey side extension.

The alterations propose the erection of an extension to the side elevation of the property. The extension will function as a kitchen and study with a WC. The extension would project 2.5 metres from the side elevation of dwelling, less than 50% width of the host property and have a total length of 7.2 metres, kept within the confines of the front and rear elevations.

The extension would be within 2m of the boundary at the rear, where the eaves height would be 2.6m.

The extension will be constructed from coursed stone to the front render to the side and brick rear elevation and will therefore, match the architectural style of the main property.

The extension proposes a small window to be installed in the side elevation to the WC and will be obscurely glazed.

The side extension has a proposed maximum height of 3.9 metres from external ground level. The roof pitch of the extension will be hipped to match the main roof. Finally, the roof tiles on the extension will match the roof tiles on the main property.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2F90134>

History of negotiations/amendments received

Negotiations have taken place to remove the open porch as it was over 3m high, albeit less than 3sq m and greater than 2m from a boundary, planning permission would be required for this.

Relevant Planning History

- None

Consultation Responses

No consultation responses were received.

Issues and Assessment

Applications for Certificates of Lawful Developments for the alteration of a dwellinghouse 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 dwellinghouse 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 proposed side extension would not result in over 50% of the total area of curtilage been covered by buildings.*

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

- d) The enlarged part of the dwellinghouse would extend beyond a wall which –
 - (i) forms the principal elevation of the original dwellinghouse.

- or
- (i) fronts a highway and forms a side elevation of the original dwelling/house.

Comment: *Whilst the extension is on the side elevation of the property it wouldn't 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 3 metres in the case of any other dwellinghouse, or

(ii) exceed 4 metres in height.

Comment: *The enlargement projects from the side elevation only.*

g) For a dwelling not on article 2(3) land nor on a site of specific scientific interest, the enlarged part of the dwellinghouse 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 dwellinghouse, or
- i. Exceed 4 metres in height

Comment: *Not applicable as the application is not for a larger home's extension.*

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

- i. Extend beyond the rear wall of the dwellinghouse by more than 3 metres
- i. Be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse.

Comment: *Not applicable as the application is for a single storey extension.*

- 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 enlarged part of the dwellinghouse would be within 2 metres of the boundary of curtilage of the dwelling and the height of the eaves of the proposed side extension will not exceed 3 metres.*

- 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 dwellinghouse

Comment: *The proposed side extension will not exceed 4 metres in height, have more than a single storey or have a width greater than half of the width of the original dwellinghouse.*

(a) 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 would not adjoin any of the other existing enlargements at the application site.*

- j) It would consist of or include –
 - i. The construction or provision of a veranda, balcony or raised platform
 - i. The installation, alteration or replacement of a microwave antenna,
 - ii. The installation, alteration or replacement of a chimney flue or soil and vent pipe, or
 - iii. An alteration to any part of the roof of the dwelling/house

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

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
- a) 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 match the existing materials of the host property.*

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 proposal is for a single storey 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.

Recommendation: Grant certificate

The proposed side extension benefits from a general planning permission by virtue of Class A, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) subject to the conditions stated in paragraph A.3 of the same Order

Plans and Specifications Schedule: -

Plan Type	Reference	Date Received
Location Plan - 1:1250	Id 850486	28.1.21
Existing floor Plans and Elevations	Id 850493	28.1.21
Proposed floor Plans and Elevations	Id 860589	19.3.21