

**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/91007/E

Site: 34, Low Road, Dewsbury Moor, Dewsbury, WF13
3PP

Description: Certificate of lawfulness for proposed erection of
outbuilding

Case Officer: Nina Sayers

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 07-May-2021

Officer Report

Site Description

34 Low Moor is a two-storey, mid-terraced dwelling located in Dewsbury Moor, Dewsbury. It has a garden to the front and rear of the property. The property is located on Low Moor but has an unadopted access to the rear. The surrounding area is predominantly residential with properties of a similar size, design, and age.

Description of development

Permission is sought for a Certificate of Lawfulness for the proposed erection of a detached outbuilding. The approximate dimensions of the proposed outbuilding are as follows:

3m wide x 5.5m deep x 2.5m maximum height.

The proposed outbuilding would have a flat roof.

History of negotiations/amendments received

No negotiations have taken place and no amended plans have been received.

Relevant Planning History

No relevant planning history.

Consultation response

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

Issues and Assessments

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 E of the Order sets out the Permitted Development Rights which relates to 'buildings etc incidental to the enjoyment of a dwellinghouse'. In assessing the proposal against this:

Development not permitted:

E.1 Development is not permitted by Class E if—

a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use);

Comment: *The application site has not been granted permission by means of the above.*

b) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

Comment: *Whilst there are existing extensions at the site, the combined area covered by these, including that of the proposed outbuilding, would not exceed 50% of the curtilage area (excluding the ground area of the original dwellinghouse).*

c) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;

Comment: *The proposed outbuilding would not project beyond the principal elevation (that which contains the main entrance door and architectural detailing).*

d) the building would have more than a single storey;

Comment: *The proposed outbuilding would have a single storey.*

e) the height of the building, enclosure or container would exceed—

(i) 4 metres in the case of a building with a dual-pitched roof,

(ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or

(iii) 3 metres in any other case;

Comment: *The proposal would be located within 2m of the boundary of the curtilage. The proposed building would not exceed 2.5m in height.*

f) the height of the eaves of the building would exceed 2.5 metres;

Comment: *The proposed eaves height of the outbuilding would not exceed 2.5m.*

g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;

Comment: *The proposed outbuilding would not be situated within the curtilage of a listed building.*

h) it would include the construction or provision of a verandah, balcony or raised platform;

Comment: *The proposal does not include any of the above.*

i) it relates to a dwelling or a microwave antenna;

Comment: *The proposal does not relate to the above.*

j) the capacity of the container would exceed 3,500 litres; or

Comment: *This proposal does not relate to a container.*

k) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

Comment: *The dwellinghouse has not been built under Part 20 of this Schedule (construction of new dwellinghouses).*

E.2 In the case of any land within the curtilage of the dwellinghouse which is within—

- (a) an area of outstanding natural beauty;
- (b) the Broads;
- (c) a National Park; or
- (d) a World Heritage Site,

development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.

Comment: *The proposed would not be located in any of the above areas.*

E.3 In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.

Comment: *The application site is not located in article 2(3) land.*

E.4 For the purposes of Class E, “purpose incidental to the enjoyment of the dwellinghouse as such” includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse.

Comment: *This is noted.*

Conclusion:

The proposal for the erection of a detached outbuilding at 34 Low Road, Dewsbury Moor, Dewsbury has been considered against the Town and Country Planning (General Permitted Development - England) Order 2015 (as amended) and is recommended for approval.

The proposed erection of a detached outbuilding benefits from a general planning permission granted under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)..

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location plan	Sheet 1	-	11/03/2021
Proposed Plans and Elevations	Sheet 2	-	11/03/2021

