

**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/91230/E

Site: 517, Bradford Road, Birkenshaw, BD11 2AA

Description: Certificate of lawfulness for proposed erection of  
single storey extension

Case Officer: Jennifer Booth

**Decision Reference: PROPOSED OPERATIONS REFUSE**

**I hereby authorise the refusal 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 18-May-2021**

<b>Reference:</b>	2021/CLD/91230/E
<b>Applicant: -</b>	C Sutcliffe
<b>Location: -</b>	517, Bradford Road, Birkenshaw, BD11 2AA
<b>Proposal: -</b>	<b>Certificate of lawfulness for proposed single storey side extension</b>

### Site Description

517 Bradford Road is a stone built semi-detached dwelling with a garden to the front and a small area of land to the side. The property does have an existing single storey side extension part depth.

The property is located on a residential street with some variances in terms of size and style.

### Application Proposal

The application is for a certificate of lawful proposed development for a single storey side 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 proposed side extension would have a projection of 2.3m and a depth of 3.7m, joining on to an existing single storey side extension which has a projection of 2.8m. The roof form would be pitched with an eaves height of 2.3m and an overall height of 3.2m.

### 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 and 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 of 517 Bradford Road. 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 side 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* *It is noted that the property does have a modest amenity space to the front and side. However, 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 of the dwelling although the side 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 extension is proposed to be constructed to the side.*
- (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 side extension 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 to the eaves has been shown 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 4.6m. As the side extension would project no more than 2.3m, 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 subparagraphs (e) to (j); *There is an existing single storey extension, whilst the proposed extension would not exceed the limitations of (e) to (j) the existing extension to which the proposed enlargement will be adjoined has a width greater than half of the width of the original house at 2.8m. The combination of the existing and proposed enlargement exceeds the limitations of paragraph (ja) by reason of paragraph (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 at 517 Bradford Road does not 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)(England) Order 2015 (as amended) as the proposed extension would join onto an existing extension which exceeds half of the width of the original house .

**Recommendation: REFUSE certificate**

**Decision Authorisation - Delegated Powers****Application Number:** 2021/91230**Officer Recommendation:** REFUSE certificate

The proposed single storey side extension at 517 Bradford Road does not 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)(England) Order 2015 (as amended) as the proposed extension would join onto an existing enlargement to the original dwellinghouse. The combination of the existing and proposed enlargement exceeds the limitations of paragraph (ja) of Class A by reason of paragraph (j) as the widest part of the total enlargement exceeds half of the width of the original dwellinghouse .

Plans and specifications schedule: -

<b>Plan Type</b>	<b>Reference</b>	<b>Web ID</b>	<b>Date Received</b>
Application form	-	862794	24/03/2021
Proposed plans	01a	862792	24/03/2021

**Report Dated**

19/04/2021
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