

**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/91586/E

Site: 17, Brook Meadows, Denby Dale, Huddersfield,
HD8 8GW

Description: Certificate of proposed lawfulness for proposed
conversion of garage/store to living accommodation

Case Officer: Alice Downham

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 13-May-2021

Officer Report

Site Description

17 Brook Meadows is a three-storey mid-terrace dwelling in Denby Dale, Huddersfield. The dwelling is faced in regular coursed natural stone. The roof is a dual-pitched design, finished in blue slate. There is an integral garage to the ground floor level. The property benefits from amenity space to the front and a garden to the rear. There is off-street parking to the front.

The applicant property is located within a modern housing development of dwellings similar in size, age, style, and construction materials.

Description of development

Permission is sought for a Certificate of Lawfulness for the proposed conversion of garage/store to living accommodation. The proposed alterations would accommodate a living area. The property would not be extended as part of the proposal. The existing garage door would be replaced with a window measuring approximately 1.4m wide x 1.4m high. The window would be uPVC to match the existing, and the wall would be clad in stone to match the existing.

The property has had permitted development rights removed for the erection of buildings or extensions (2004/90394 and 2005/91319). However permitted development rights are intact relating to the conversion of the integral garage.

History of negotiations/amendments received

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

Relevant Planning History

At the application site:

2004/90394 – Demolition of 3 no. existing dwellings and other buildings, erection of 34 no, three bedroom dwellings with private gardens, associated car parking and landscaping. Section 106 full permission.

2005/91319 – Demolition of existing buildings, erection of 19 dwellings with integral garages and associated parking and landscaping (modified proposal). Conditional full permission.

2008/93475 – Erection of Conservatory. Conditional full permission.

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 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 dwellinghouse'. 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 dwellinghouse has been granted only by virtue of Class M, MA, 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 Classes.*

- 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 dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

Comment: *The proposal would not extend beyond the footprint of the original dwellinghouse.*

- 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 dwellinghouse;

Comment: *Not applicable as no alterations in height would occur within the proposed alterations.*

- 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: *Not applicable as no alterations in height would occur within proposed alterations.*

- 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 dwellinghouse;

Comment: *Not applicable as there would be no enlargement as part of this proposal.*

- (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: *Not applicable as the proposed alterations do not include any enlargement and no alterations in height to occur within proposed alterations.*

- 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 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
 - i. Exceed 4 metres in height

Comment: *Not applicable as application is not for a larger homes extension.*

- g) 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 proposed alterations do not include any enlargement and no alterations in height to occur within proposed alterations.*

- i) The enlarged part of the dwellinghouse would be within 2 metres of the boundary of curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;

Comment: *Not applicable as no alterations in height would occur within proposed alterations.*

- i) The enlarged part of the dwellinghouse would extend beyond 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: *Not applicable as the proposed alterations do not include any enlargement and no alterations in height would occur within the proposed alterations.*

- 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: *Not applicable as the proposed alterations would not adjoin to any existing enlargements.*

k) 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 dwellinghouse

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

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 dwellinghouse; or
- a) 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 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 dwellinghouse;

Comment: *The proposed extension is subject to the above conditions.*

- a) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse 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 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.

Comment: *Not applicable as the integral garage is located at the ground-floor level and therefore, no windows will be located at upper-floor level.*

Conclusion:

The proposed development has been assessed against the relevant legislation, the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2 Part 1, Class A and it has been deemed permitted development. As a result, it does not require planning permission and the lawful development certificate is therefore approved.

Recommendation: Granted

The proposed alterations benefit from a general planning permission granted by virtue of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) subject to conditions as stated in paragraph A.3 of the same Order.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location Plan	030-21-LD01_A- Existing and Proposed Floor Plans Elevations and Specification	-	19/04/2021
Grouped Plans and Elevations	030-21-LD02- Location Plan	-	19/04/2021