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/91664/W

Site: 8, Bobbin Close, Golcar, Huddersfield, HD7 4DQ

Description: Certificate of lawfulness for proposed demolition of conservatory and erection of single storey rear extension and alterations (within a Conservation Area)(within curtilage of a Listed Building)

Case Officer**:** Lucy Taylor

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 15-Jun-2021

Officer Report

Site Description

8 Bobbin Close, Golcar, Huddersfield, HD7 4DQ

8 Bobbin Close is a two-storey detached property located in Golcar Huddersfield. The property is constructed from stone and has a dominant hipped roofing style, with other forms of roofing also established to the front elevation. The property benefits from garden amenity space and driveway amenity space to the front elevation and garden amenity space to the rear.

The property is located in a residential area where there is a strong sense of similarity within the streetscene, given the similar style of construction and design between all of the dwellings. In addition, the application site is located within the Golcar Conservation Area and within the curtilage of a Listed Building.

Description of Proposal

Permission is sought for a Certificate of Lawfulness for the proposed demolition of a conservatory and the erection of a single storey rear extension and alterations.

The proposed extension is to project 3 metres from the rear elevation of the dwelling, have a width of 4.5 metres and have a maximum height of 3.6 metres. The walls of the extension will be constructed from sandstone to match the appearance of the host dwelling and a lean-to roof will be erected, infilled with tiles that match those previously erected on the dwellinghouse.

With regard to fenestration, glazing is proposed to the rear and internal side elevation, in the form of regular windows to the rear and glazing bi-folding doors and a single window to the side elevation. In addition, natural lighting is proposed in the form of 2 rooflights. All of this fenestration detailing will be constructed from white UPVC to match existing fenestration detailing previously established on the host dwelling.

History of negotiations/amendments received

No negotiations have taken place and no amended plans received.

Relevant Planning History

No relevant planning history.

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 rear extension would not result in over 50% of the total area of the curtilage been covered by dwellings.*

b) The height of the part of the dwellinghouse englarged, improved or altered would exceed the height of the highest part of the roof of the existing dwelling/house;

Comment: *The height of the rear 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: *The extension would not extend beyond the principle elevation of the original dwellinghouse nor would it front a highway and form a side elevation.*

e) Subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and-

(i) Extend beyond the rear wall of the dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or

(i) Exceed 4 metres in height;

Comment: *the enlarged part of the dwellinghouse projects only 3 metres from the rear elevation and does not exceed 4 metres in height.*

f) 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*

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

(ii) 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.*

h) 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 eaves height of the 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 enlarged part of the dwellinghouse will exceed beyond a wall forming a side elevation of the original dwellinghouse. The original planning permission for the dwellinghouse (99/92905) indicated the rear elevation did not include any rearward projections. However the dwelling (plot 6) was subject to a subsequent planning application amending the house type to include the side and rear projections (2002/91664). It is also evidence from the officer's notes that the dwelling was partially built at the time of the application and on the balance of probabilities the dwelling would have been built and completed as the property currently exists and therefore originally built with the rearward projection and conservatory. As these include side elevations the proposed extension projects beyond a side elevation. However, as proposed it does not have a width more than half the width of the original dwellinghouse by virtue of the amended side projection.*

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: *The proposed extension would not adjoin any 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;
b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwelling/house; or
c) 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: *As described in the analysis of paragraph A.1(j) and given the original layout of the dwellinghouse, it is considered that the proposed extension extends beyond a wall forming a side elevation of the original dwelling/house, in turn failing to comply with (b).*

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 refusal. This is because, historical investigation of the dwelling, suggests that the proposed enlargement will extend beyond an original side elevation of the host dwellinghouse, in turn falling foul of paragraph A.2(b) of Class A.

The proposed extension cannot benefit from a general planning permission under Class A, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) by reason of the original dwellonghouse as built containing a rearward projection containing a side elevation. As the proposed enlargement extends beyond this side elevation and as the property lies within a Conservation Area the proposal is contrary to paragraph A.2(b) of Class A. As no other planning permission exists for the proposal it cannot be considered lawful for the purposes of planning control.

Plans and Specifications Schedule:-

Plan Type	Reference	Version	Date Received
Proposed Drawings	02-A	A	22.4.21
Existing Drawings	01	-	22.4.21