

**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/93023/W

Site: 194, Meltham Road, Lockwood, Huddersfield, HD4
7BG

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

Case Officer: Lucy Taylor

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 08-Sep-2021

Officer Report

Site Description

194 Meltham Road, Lockwood, Huddersfield, HD4 7BG

194 is a two-storey semi-detached property constructed from stone with a tiled gable roofing style. The property benefits from driveway amenity space to the front elevation alongside a small amount of front garden amenity space, as well as a substantial extent of rear garden amenity space.

The property is located within a semi-rural residential area, located within the Green Belt. Although predominantly semi-detached in their construction style the other properties located along Meltham Road differ in their external design and appearance, therefore, meaning there is only a loose sense of similarity within the streetscene.

The application site itself is Unallocated in the Kirklees Local Plan and Permitted Development Rights have not been removed from the property.

Description of Proposal

Permission is sought for a Certificate of Lawfulness for the erection of a single storey rear extension.

The proposed rear extension will be constructed in place of an existing rear conservatory style projection at the property. It is important to note that this is not an original feature of the property and a desktop historical investigation of the site showed construction of this feature to have taken place between 2002 and 2006.

The rear extension will project 3 metres from the rear elevation of the host dwelling, have a width of 5.6 metres and a height of 3.85 metres with an eaves height of 2.55 metres.

The exterior walls of the extension will be constructed from stone to match the existing dwelling and the roof will be infilled with matching roof slates. With regard to fenestration, the extension proposed glazing only to the rear elevation, in the form of glazed bi-folding doors. In addition roof lighting is proposed in the form of two rooflights and a regular access door will be erected to the northern side elevation.

History of negotiations/amendments received

No negotiations have taken place and no amended plans received.

Relevant Planning History

No relevant planning history.

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 rear 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 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 enlarged part of the dwellinghouse would extend beyond the rear elevation.*

e) 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 dwelling, or 3 metres in the case of any other dwellinghouse, or
- (i) Exceed 4 metres in height

Comment: *The application site is a semi-detached property and the extension will project 3 metres from the rear elevation and have a maximum height of 3.85 metres.*

- 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 as the property is not on article 2(3) land.*

- 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
 - 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.*

- 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 however, the height of the eaves will be 2.55 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 extend from the rear elevation and will not project from a side elevation of the original dwellinghouse. Although it has been acknowledged that the extension is to be constructed in place of an existing conservatory style projection at the property, this is not an original feature – constructed between 2002 and 2006. Therefore, the proposal appropriately abides by the sub-paragraph (j).*

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 extension would not exceed the limits set out in sub-paragraphs (e) to (j).*

- 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.*

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 dwelling/house; or
- b) 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 extension will be constructed from materials that match those used to construct the host dwelling.

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

Plans and Specifications Schedule:-

Plan Type	Reference	Version	Date Received
Existing Elevations	2170-02	-	2.9.21
Existing Floor Plans and Location Plan	2170-01	-	2.9.21
Proposed Elevations	2170-04A	-	2.9.21
Proposed Floor Plans and Block Plan	2170-03A	-	2.9.21

