

**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/93179/E

Site: 80, Amberwood Chase, Shaw Cross, Dewsbury,
WF12 7PZ

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

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 11-Oct-2021

Officer Report

Site Description

80 Amberwood Chase is a detached dwelling in Shaw Cross, Dewsbury. The dwelling is faced in red brick. It has a dual-pitched roof with side-facing gables, finished in concrete tiles. There is an integral garage. There is off-street parking for two cars to the front. There is a lawned garden to the rear.

The applicant property is located within a recently completed housing development, comprising dwellings which are similar in terms of character, age, and pallet of materials.

Description of development

Permission is sought for a Certificate of Lawfulness for the proposed erection of a single storey rear extension. The dimensions of the proposal are as follows:

4.0m deep x 6.0m wide x 2.5m high.

The roof would be a flat roof design. There would be openings in the rear and northern side elevation of the proposed extension. The extension would be faced in brick.

The property has not had its permitted development rights removed.

History of negotiations/amendments received

No amendments were requested or received in this instance.

Relevant Planning History

2014/90780 - Erection of 206 dwellings, formation of community and sports facilities comprising floodlit practice rugby pitch, 2 floodlit multi use games areas, public open space, footways/cycleways, car parking and associated landscaping (Relocation of MUGA's). Section 106 full permission.

2015/90201 - Variation condition 3 (plans) on previous permission 2014/90780 for erection of 206 dwellings, formation of community and sports facilities comprising floodlit practice rugby pitch, 2 floodlit multi use games areas, public open space, footways/cycleways... Section 106 removal/modification of condition(s).

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 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, N, P or Q of Part 3 of this Schedule (changes of use);

Comment: *The use of the dwellinghouse has not been granted by the above applications.*

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: *The proposed extension would be less than 50% of the curtilage.*

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 maximum height of the extension (2.5m) would not exceed the maximum height of the roof of the original 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 of the extension (2.5m) would not exceed the height of the eaves of the existing dwellinghouse.*

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 proposed extension would not extend beyond a wall which forms the principal elevation of the original dwellinghouse, or which fronts a highway and forms a side extension of the original dwellinghouse.*

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;

&

g) For a dwelling not on article 2(3) land nor on a site of special 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

ii) Exceed 4 metres in height

Comment: *The property is detached and is not on article 2(3) land. The proposed development would extend 4.0m beyond the rear wall and would have a maximum height of 2.5m.*

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, or

ii) Be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse.

Comment: *The extension would have a single storey.*

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 at the eaves of the proposed extension would be 2.5m.*

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 proposed extension would not extend beyond a wall forming a side elevation of the original dwellinghouse.*

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 existing enlargements at the application site.*

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 proposed extension includes none of the above.*

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 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;
- b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be obscurely glazed.

Comment: *The development is permitted subject to the above conditions.*

Conclusion:

The proposal for the erection of a single storey rear extension at 80 Amberwood Chase, Shaw Cross, Dewsbury, has been considered against the Town and Country Planning (General Permitted Development - England) Order 2015 (as amended) and is recommended for approval.

Recommendation: **Granted**

Decision Notice:

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

Plans and specifications schedule:

Plan Type	Reference	Web ID	Date Received
Plan General	Extension Plan	889255	16/08/2021
Location Plan	Location Plan	889254	16/08/2021

