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/94486/E

Site: 11, Wentworth Drive, Emley, Huddersfield, HD8 9SL

Description: Certificate of lawfulness for proposed garage conversion to habitable space and replace garage doors with a window

Case Officer**:** Nina Sayers

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 25-Jan-2022

Officer Report

Site Description

11 Wentworth Drive is a two-storey, detached dwelling in Emley. It has a driveway to the front and side of the dwelling which leads to a garage. There is a garden to the rear of the property. The application site is located in a residential cul-de-sac with other properties of a similar design, age and size.

Description of development

Permission is sought for a Certificate of Lawfulness for the proposed conversion of a garage to “playroom” and the replacement of the existing garage doors with a window.

The property has not had its permitted development rights removed.

History of negotiations/amendments received

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

Relevant Planning History

90/02606 Erection of extension of ground floor level. Conditional full permission.
2004/91832 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.

Assessment

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 dwellinghouse has not been granted as a dwellinghouse by the above classes.*

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 proposal would convert an integral garage within an existing single-storey extension and would not exceed 50% of the total area 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: *Not applicable as no alterations in height to 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 to occur within proposed alterations.*

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 proposal would not project forward of the principal elevation of the dwellinghouse and the extension would 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;

and

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

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: *Not applicable as 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 the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;

Comment*: Not applicable as the proposed alterations do not include any enlargement to the side elevation of the dwellinghouse and no alterations in height to occur within proposed alterations*

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

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 verandah, balcony or raised platform

ii. The installation, alteration or replacement of a microwave antenna,

iii. The installation, alteration of 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: *Materials are to be in accordance.*

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: Certificate of Lawful Development granted.

The proposed development as shown on plans listed below benefits from a general planning permission granted by virtue of Article 3(1) and Part 1, Class A of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) subject to conditions stated in paragraph A.3 of the same Order.

Plan Type	Reference	Date Received
Location Plan	2258-D-20-001	01/12/2021
Existing plans and elevations	2258-D-20-002	01/12/2021
Proposed plans and elevations	2258-D-20-003	01/12/2021

Report dated: 24/01/2022