

**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/94703/E

Site: 7, Rosedale Avenue, Hartshead, Liversedge,  
WF15 8AU

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

Case Officer: Ian Lunn

**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 14-Feb-2022**

## **Officer Report**

### **Site Description**

7 Rosedale Avenue is a semi-detached house constructed of red/brown brick, for the external walls, under a brown concrete pantile 'hipped' roof. It is located approximately 40 metres north east of the junction of Rosedale Avenue and Fall Lane in a residential area.

### **Description of Proposal**

It is proposed to add a single storey extension to the side (north eastern facing) elevation of the dwelling following the demolition of the existing porch. The applicant considers that this can be erected as 'permitted development' (i.e. without the need to formally apply for planning permission) and has therefore submitted this application seeking a Lawful Development Certificate to confirm this.

### **History of negotiations/amendments received**

None

### **Relevant Planning History**

2012/91805 - Erection of extension to existing conservatory and alterations – Approved 31/07/12

NB:- It is understood that two and single storey extensions have also been added to the rear of the property at some stage in the past.

### **Representations**

None. It is not necessary to advertise applications of this nature.

### **Consultation Responses**

None

### **Legislation**

Town and Country Planning Act 1990  
Town and Country Planning (General Permitted Development)(England)  
Order 2015 (as amended)

### **Assessment**

The proposed extension constitutes 'development' as defined by Section 55 of the Town and Country Planning Act 1990. In order to determine whether or not it can be erected as 'permitted development' the proposal needs to be considered against the criteria set out in Class A, Part One of Schedule Two of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended). It is considered that it will satisfy this criteria for the following reasons:-

- a) planning permission for the existing dwelling was not granted under the terms of Classes G, M, MA, N, P or Q of Part Three of Schedule Two of that legislation. The dwelling is long established having been built in the 1960's.
- a) the dwelling retains its 'permitted development' rights and is not located within a Conservation Area,
- b) the proposal will not lead to more than 50% of the property curtilage (excluding the land on which the 'original dwelling' currently stands) being developed,
- c) the eaves and ridge heights of the extension will not exceed those of the host dwelling,
- d) the extension will not project beyond any wall that either fronts a highway or forms part of a principal elevation of the host dwelling. It is noted, however, that the property has a small side projecting element towards the rear of the property which is common to other properties on the street. It may be said this forms part of the principal elevation of the original dwellinghouse given it is forward facing. However, the Council's historic maps do not show this on any dwellinghouses perhaps because of its insignificance to the overall appearance of the property. Given this insignificance it is considered not to form part of the principal elevation,
- e) the extension will stand within two metres of the property boundary with 9 Rosedale Avenue but the eaves height will not exceed three metres,
- f) the extension will be single storey, will not exceed four metres in overall height and will not exceed half the width of the 'original dwelling' (the width of the existing dwelling is approximately 6.2 metres, the maximum width of the proposed extension will be approximately 1.6 metres).
- g) the extension will not connect with any of the other extensions that have been added to the property.
- h) the development will not incorporate a verandah, balcony, raised platform, chimney, flue, soil and vent pipe or microwave antenna nor will it involve any alteration to the roof of the main house.
- i) the extension is to be constructed of brick and tiles to match those used in the construction of the host dwelling.
- j) The dwellinghouse has not been erected pursuant to Part 20 of Schedule 2 of the Order.

In view of the above it is considered that the proposed development would be lawful for the purposes of planning control and could therefore be constructed without the need to formally apply for planning permission.

### Conclusion

This application seeks a Lawful Development Certificate for the addition of a domestic extension to an established single dwelling. The extension would constitute 'development' as defined by Section 55 of the Town and Country Planning Act 1990. However, it would constitute 'permitted development' meeting the criteria set out in Class A, Part One of Schedule Two of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended). Consequently, under the provisions of Section 57 of the Town and Country Planning Act 1990 it would be lawful for the purposes of planning control.

**Recommendation: Approve**

**Decision Authorisation - Delegated Powers****Application Number:** 2021/94703**Officer Recommendation:** Approve**Conditions and Reasons:** None

The extension would constitute 'development' as defined by Section 55 of the Town and Country Planning Act 1990. It would also benefit from a general planning permission by virtue of Article 3(1) and Class A, Part One of Schedule Two of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan, Existing Ground Floor Plan and Elevations	(21932)1_Scheme as existing		21/12/21
Proposed Site Layout Plan, Ground Floor Plan and Elevations	(21932)2_Scheme as proposed		21/12/21

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant and agent in dealing with the application

**Report Dated:**

14/01/22