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.: 2022/CL/90110/W

Site: 93, Kaye Lane, Almondbury, Huddersfield, HD5 8XT

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

Case Officer**:** Lucy Taylor

Decision Reference: PROPSED OPERATIONS GRANTED

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.

John Holmes

AUTHORISED OFFICER

Date 14-Mar-2022

Officer Reports

Site Description

93, Kaye Lane, Almondbury, Huddersfield, HD5 8XT

A semi-detached property faced in red brick with a hipped roofing form, infilled with tiles. To the front elevation, the property benefits from a hard-surfaced driveway and to the rear, garden amenity space is present.

The external appearance of 93 Kaye Lane directly harmonises with the neighbouring properties of 87-95 and 97 Kaye Lane. These properties are also of a semi-detached construction style and faced in red brick with a hipped roofing style.

In the Kirklees Local Plan, the site is allocated within the Green Belt.

Permitted Development Rights have been removed from the property under planning application 2016/90404 for any developments included within Classes A, B and E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. The reasoning for this is to avoid prejudicing the visual and open character of the Green Belt.

Description of Proposal

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

The proposed extension will project 3 metres from the rear elevation of the dwellinghouse, have a width of 6.47 metres and a maximum height of 3.95 metres. The extension will have a lean-to roofing style.

The extension will be stepped in from the eastern boundary of curtilage.

With regard to fenestration detailing, glazing is only proposed to the rear elevation. This is in the form of a small regular window and a set of glazed bi-folding doors. In addition, roof lighting will be installed in the form of two velux windows.

Within the interior of the dwellinghouse the extension will function as an extension to the kitchen and as a dining area.

History of negotiations/amendments received

No negotiations have taken place and no amended plans received.

Relevant Planning History

- 2016/90404 – Erection of single storey side extension, single and two storey rear extensions, formation of single car parking space to front,

demolition of existing garage and alterations. *Granted conditional full permission 2016.*

Permitted Development Rights removed under condition 3 of this application.

Consultation Responses

None required.

Issues and 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 dwelling/house'. In assessing the proposal against the following criteria:

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 classes.*

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 extension would not cover more than 50% of the curtilage.*

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 extension would not exceed the highest part of the roof on 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 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 a wall which forms the principal elevation of the original dwellinghouse or from 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 proposal would not extend beyond the rear wall more than 3m (having a 3m total rear projection)*

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: *The proposal would not extend beyond the rear wall more than 3m (having a 3m total rear projection) as such the requirements of paragraph g are not applicable in this case as development falling within paragraph g relates (for this property) to an extension between 3m and 6m interms of rear projection.*

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

Comment: *Not applicable*

i) The enlarged part of the dwellinghouse would be within 2 metres of the boundary of curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would not exceed 3 metres;

Comment: *Although the extension is within 2 metres of the boundary of curtilage, the eaves height does not exceed 3 metres (the eaves being 2.8m in height in this case).*

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: *No applicable*

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 proposal would not, where relevant, exceed the limits set out in paragraphs e – 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
a) 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 submitted plans sets out how the applicant considers the scheme to meet the requirements of the GDPO, this is down across ten separate points with point no.5 stating the proposal would replicate existing materials.*

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: *the application is for a single-storey extension and therefore, proposes no upper-floor windows.*

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.

Whilst permitted development rights were removed from the property as a condition of planning permission 2016/90404, this permission has not been commenced and has since lapsed, it is therefore considered development within Classes A, B and E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) could still be undertaken

As set out within the ‘Assessment’ section of this report, the proposal meets the relevant requirements within Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Approval is therefore recommended.

Plans and Specifications Schedule:-

Plan Type	Reference	Version	Date Received

Existing	2121-01	-	18.1.22
Proposed	2121-02B	-	18.1.22