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/90331/E

Site: 21, Yew Tree Road, Shepley, Huddersfield, HD8 8DT

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

Case Officer**:** Jennifer Booth

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 21-Mar-2022

Reference:	2022/CLD/90331/E
Applicant: -	J Moseley
Location: -	21, Yew Tree Road, Shepley, Huddersfield, HD8 8DT
Proposal: -	**Certificate of lawfulness for proposed erection of single storey rear extension**

Site Description

21 Yew Tree Road is a stone fronted end terraced property with a yard area and access to the rear and a garden to the front.

The property is located on a residential street with properties of a similar age although there have been some outbuildings added to the rear of neighbouring properties.

Application Proposal

The application is for a certificate of lawful proposed development for a single storey rear extension. The onus is on the applicant to provide evidence which states why the proposal fits with the permitted development legislation. In this case, the applicant has stated on the application form that the proposal is permitted development.

The extension would be located to the rear of the house. The extension would project 3m from the original rear wall of the property and would extend across the width of the dwelling with a height of 2.5m to the eaves and 3.6m overall.

Relevant Planning History

None

Consultations

This is an application for a Lawful Development Certificate and for this reason, no consultations are necessary.

Legislation

The Town and Country Planning Act 1990 Section 55 and the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

Assessment: -

The main considerations in the determination of this application are:

1. Whether the proposed development would constitute development as

defined section 55 of the Town and Country Planning Act 1990;

1. If so, whether Permitted Development rights apply to the property; and

2. Whether the proposed development falls within permitted development under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 1 (Development within the curtilage of a dwelling house), Class A (enlargement, improvement or other alteration of a house).

The proposal comprises a single storey extension to the rear. Thus, the proposal constitutes the carrying out of building on and over land that would materially affect the external appearance of the existing building. As such, it is regarded as development as defined by section 55 of the Town and Country Planning Act 1990.

The application therefore falls to be considered under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 1 (Development within the curtilage of a dwelling house), Class A (enlargement, improvement or alterations of a house).

Permitted development – Single storey rear extension

A. The certificate of lawful development for the enlargement of a dwellinghouse consisting of the addition of an extension to the rear of the house is permitted development subject to complying with the relevant criteria below.

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 G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);

Comment *Permission for this dwelling was not granted by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use).*

(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 *As can be seen from the location plan provided by the applicant, the proposed extensions would not take up more than 50% of the area of the curtilage of the dwellinghouse.*

(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 height of the extensions 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 height of the eaves of the extension would not exceed the height of the eaves of the original dwelling.*

(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 extension proposed would be to the rear of the dwelling.*

(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;

Comment *The extension is proposed to be constructed to the rear with a projection of 3m.*

(g) until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, 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 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 proposal does not fall under this criteria.*

(h) The enlarged part of the dwellinghouse would have more than a single storey and—
(i) Extend beyond the rear wall of the original 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 be 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 eaves are proposed to be less than 3m.*

(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 extension is proposed to the rear.*

(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); *this criteria is not relevant.*

(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 proposal does not include the construction of a verandah, balcony or raised platform, the installation, alteration or replacement of a microwave antenna, the installation, alteration or replacement of a chimney, flue or soil and vent pipe and an alteration to any part of the roof of the dwellinghouse.*

A.1 Development is not permitted by Class A if—

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;

(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 dwellinghouse is not located in a conservation area.

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— (i) obscure-glazed, and (ii) 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

(c) Where the enlarged part of the dwellinghouse 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 dwellinghouse.

The submitted plans also show the demolition of an existing outbuilding in the curtilage of the dwellinghouse. This outbuilding is approximately 9 cubic metres in volume which is significantly below the threshold of 50 cubic metres for demolition to be considered development for the purposes of section 55 of the Town and Country Planning Act 1990.

Conclusion

The proposed single storey rear extension at 21 Yew Tree Road does meet the criteria of permitted development as set out in Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 subject to respective conditions as set out in paragraph A.3 of the same Order.

Recommendation: APPROVE certificate

Decision Authorisation - Delegated Powers
Application Number: 2022/90331

Officer Recommendation: GRANT certificate

The proposed single storey rear extension at 21 Yew Tree Road 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 respective conditions as set out in paragraph A.3 of the same Order.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Application form	-	915594	01/02/2022
Location plan	-	915572	01/02/2022
Proposed plans	21-075-03	915577	01/02/2022
Photo	IMG-0283	915576	01/02/2022
Photo	IMG-0284	915575	01/02/2022

Report Dated 11/11/2021