

**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/91542/W

Site: 8, Bent Lea, Bradley, Huddersfield, HD2 1QW

Description: Certificate of lawfulness for proposed garage conversion to include removal of front garage door and installation of window and enlarged rear windows and erection of single storey rear extension

Case Officer: Laura Yeadon

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 20-Jul-2022

Officer Report

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2f91542>

Site Description

8 Bent Lea is a large detached property located within an area without notation on the Kirklees Local Plan. The property is constructed from stone with a tiled roof and brown uPVC openings. To the front of the property is a garden area and driveway which leads to a double integral garage and to the rear of the property is an enclosed garden.

Description of Proposal

Permission is sought for a Certificate of Lawfulness for a proposed garage conversion to include removal of front garage door and installation of a window and enlarged rear windows.

The proposed alterations to the property would be that within the front elevation of the property the garage door closest to the living accommodation would be removed and replaced with a window and within the rear elevation 3 no. windows would be removed and floor to ceiling window inserted.

The extension would project from the rear elevation of the property by 3.5 metres and would be a total width of 5.6 metres with the total height of the structure being 3.1 metres with a 600mm parapet wall surrounding the edge of the flat roof.

It is proposed that the single storey rear extension would be constructed from stone.

The property has not had its Permitted Development Rights removed.

History of negotiations/amendments received

It is noted that the proposed front elevation roof lights have been removed as part of the revised submission.

Relevant Planning History

1987/03217 Erection of 31 no. dwellings
Granted Conditionally

Consultation Responses

None required

Issues and Assessment

Applications for Certificates of Lawful Developments for the erection of extensions and alterations 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 G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);

Comment: The dwellinghouse has not been granted by any of the above

- 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 dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

Comment: The works would not result in over 50% of the curtilage being covered with extensions

- 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 dwellinghouse;

Comment: The height of the proposed extension would not exceed the highest part of the roof of the existing dwellinghouse

- c) 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 would not exceed the height of the existing eaves

- 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 dwellinghouse;

Comment: The enlarged part of the dwellinghouse would not be on the principal elevation or front a highway forming a side elevation to the original dwellinghouse

- 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 original dwellinghouse by more than 4 metres in the case of a detached dwelling, or
 - I. 3 metres in the case of any other dwellinghouse.
 - II. Exceed 4 metres in height;

Comment: The extension would not extend more than 4 metres from the rear of the existing dwellinghouse and would not exceed 4 metres in height

- f) Until 30th May 2019, 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
 - I. Exceed 4 metres in height

Comment: N/A

- 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, 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 no more than single storey in height

- h) 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 enlargement would be within 2 metres of the boundary of the curtilage of the dwellinghouse however the eaves height would not exceed 3 metres

- i) The enlarged part of the dwellinghouse would extend beyond wall forming a side elevation of the original dwellinghouse, and would-
 - I. Exceed 4 metres in height
 - I. Have more than a single storey, or
 - II. Have a width greater than half the width of the original dwellinghouse

Comment: The enlarged part of the dwellinghouse would not be located on the side elevation

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: N/A

- j) 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: None of the above apply however a wastepipe is proposed.

(l) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)

Comment: N/A

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;
- a) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
- b) 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 proposal is not located 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;
- a) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse 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 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.

Comment: The proposed materials would be to match the existing and no alterations to the upper floor windows are proposed

Conclusion:

The proposal has been considered against the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) and is recommended for approval.

The single storey rear extension and proposed alterations to the fenestration details to the front and rear elevations benefit 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 within paragraph A.3 of the same Order.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan and site plans	9597/04		5 th May 2022
Existing elevations and floor plans	9597/01		5 th May 2022
Proposed elevations and floor plans	9597/02 Rev: A		18 th July 2022

Dated: 20th July 2022