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/91678/E

Site: 95, Baildon Way, Skelmanthorpe, Huddersfield, HD8 9GY

Description: Certificate of lawfulness for proposed alterations to integral garage to extend living accommodation

Case Officer**:** Elenya Jackson

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.

Kirsty Nicholls

AUTHORISED OFFICER

Date 28-Jul-2022

Officer Report

Site Description

95, Baildon Way, Skelmanthorpe is a two-storey, detached dwelling located within a residential area which benefits from an integral garage.

The property has had its permitted development rights removed for the addition of windows in its south east and south west elevation.

The existing garage is situated on the north east elevation.

Description of Proposal

Permission is sought for a Certificate of Lawfulness for proposed alterations to integral garage to extend living accommodation.

Alterations include replacing the existing garage door to the front elevation by bricking up and adding a window.

Permitted development rights have been removed; The property has had its permitted development rights removed for the addition of windows in its south east and south west elevation.

The existing garage is situated on the north east elevation.

Relevant Planning History

2014/90237 - Erection of single storey ground floor extension and formation of parking space - Conditional full permission

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 this:

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**: Not applicable.*

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:** Not applicable.*

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**: Not applicable.*

c) The height of the eaves of the part of the dwelling/house enlarged, improved or altered would exceed the height of the eaves of the existing dwelling/house

***Comment:** Not applicable.*

d) The enlarged part of the dwellinghouse would extend beyond a wall which –
    (i) forms the principal elevation of the original dwelling/house; or
    (i) fronts a highway and forms a side elevation of the original dwelling/house;

***Comment**: Not applicable.*

e) subject to paragraph (g), the enlarged part of the dwelling/house would have a single storey and-

    I. extend beyond the rear wall of the original dwelling/house by more than 4 metres in the case of a detached dwelling, or
    I. 3 metres in the case of any other dwelling/house.
    II. Exceed 4 metres in height;

***Comment**: Not applicable.*

f) for a dwelling not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwelling/house 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 dwelling/house, or
    I. Exceed 4 metres in height

***Comment**: Not applicable.*

g) The enlarged part of the dwellinghouse would have more than a single storey and-

   i. Extend beyond the rear wall of the dwelling/house by more than 3 metres, or
   ii. Be within 7 metres of any boundary of the curtilage of the dwelling/house opposite the rear wall of the dwelling/house

***Comment**: Not applicable.*

h) The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwelling/house, and the height of the eaves of the enlarged part would exceed 3 metres;

***Comment**: Not applicable.*

i) 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
   I. Have more than a single storey, or
   II. Have a width greater than half the width of the original dwelling/house

***Comment**: Not applicable.*

j) It would consist of or include –
   i. The construction or provision of a veranda, 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 dwelling/house

***Comment**: Not applicable.*

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
b) 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**: Not applicable.*

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 fenestration details are considered to harmonise well with the existing fenestration details.*

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**: Not applicable.*

Conclusion:

The proposed alterations to the integral garage to extend living accommodation at 95 Baildon benefits from a general planning permission granted under Schedule 2, Part1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) subject to conditions set out in paragraph A.2 of the same Order.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Site Plan and site location plan	ND/01A	1	15/05/2022
Existing and proposed floor plans and elevations	ND2/02A	1	16/05/2022