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/93830/E

Site: Barn Cottage, Corn Mill Bottom, Long Lane, Shelley, Huddersfield, HD8 8JJ

Description: Certificate of lawfulness for proposed single storey rear extensions

Case Officer**:** Nicole Helliwell

Decision Reference: PROPOSED OPERATIONS REFUSED

I hereby authorise the refusal 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 17-Jan-2023

Officer Report

Reference No. 2022/CLD/93830/E
Site Address: Barn Cottage, Corn Mill Bottom, Long Lane, Shelley, Huddersfield, HD8 8JJ
Proposal: Certificate of lawfulness for proposed single storey rear extensions

Site Description
The application relates to Barn Cottage, a detached bungalow located on greenbelt land in Shelley, Huddersfield. The property is faced in coursed stone and incorporates a dual pitched roof. The dwelling benefits from off road parking to the side, a detached garage and a sufficiently sized garden to the rear. The neighbouring properties are of residential use and comprise bungalows and two storey dwellings of varying architectural designs.

Description of development
Permission is sought for a Certificate of Lawfulness for two single storey rear extensions. The plans confirm that the existing sun room, utility and low level wall to the rear of the property will be demolished to allow for the proposed development. The proposed extensions would project approximately 4m from the rear elevation of the original build. One extension would have a maximum height of approx. 4.18m and an eaves height of approx. 2.13m. Whilst the other enlargement would have a maximum height of approx. 4.5m and a height to eaves of approx. 2.5m. It is noted that the overall height of both extensions vary due to changes in ground level.

History of Negotiations/Amendments Received
No amendments were sought or received during the course of the application.

Relevant Planning History
2019/92148: Erection of extensions and alterations to dwelling and formation of new entrance gates and parking area. Planning application details | Kirklees Council
91/00814: Erection of lounge extension. Planning application details | Kirklees Council
87/02374: Erection of detached garage and WC. Planning application details | Kirklees Council

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

Kirkburton Parish Council – No comments

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 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 use of the dwellinghouse has not been granted by the above applications.*

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: *The total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would not exceed 50% of the total area of the curtilage (excluding the ground area of the original 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 maximum height of the extensions would not exceed the maximum height of the roof of 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 of the extensions would not exceed the height of the eaves of the existing dwellinghouse.*

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 proposed extension would not extend beyond a wall which forms the principal elevation of the original dwellinghouse, or which fronts a highway and forms a side elevation of the original dwellinghouse.*

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;

g) 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 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 technical guidance to permitted development rights for householders (September 2019) states where ground level is not uniform (for example if the ground is sloping), then the ground level is the highest part of the surface of the ground next to the building.*

The property is detached and is not on article 2(3) land or on a site of special scientific interest. The proposed extensions would extend a 4m beyond the existing rear elevation and would have maximum heights of 4.13m and 4.5m. As such, the proposal would fail to comply with paragraph (g). Moreover, it is clear from historical imagery that the existing rearward projection was not part of the original building in 1948 and was added as an extension following approval for conversion to dwellinghouse and alterations in 1985 (85/02471). Consequently the projection beyond the rear wall of the original dwellinghouse exceeds 4 metres.

h) 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 extensions 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 extensions would not be sited within 2 metres of the boundary of curtilage.*

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 proposed extensions would not extend beyond a wall forming a side elevation of the original dwellinghouse.*

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 proposed extension would not adjoin any existing enlargement.*

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 of 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 proposed extensions includes none of the above.*

(l) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)
Comment: *Not applicable.*

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 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 dwellinghouse;

b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be obscurely glazed.

Comment: *The development is subject to the above conditions.*

Conclusion:

The proposal for the erection of single storey rear extensions at Barn Cottage, has been considered against the Town and Country Planning (General Permitted Development - England) Order 2015 (as amended) and is recommended for refusal.

Recommendation: REFUSED

The proposed single storey rear extensions would not benefit from a general planning permission under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) as the height of the proposed extensions would exceed the limitations under Paragraph (f) of Class A.

Plans and Specifications Schedule:

Plan Type	**Reference**	**Date Received**
Location Plan	2585 – LOC	23/11/2022
Existing Plans and Elevations	(100)01	23/11/2022
Proposed Plans and Elevations	(100)02	23/11/2022