

**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.: 2023/CL/90067/W

Site: 66, Cow Heys, Dalton, Huddersfield, HD5 9RG

Description: Certificate of lawfulness for proposed single storey  
rear extension

Case Officer: Teresa Harlow

**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 20-Feb-2023**

## **Officer Report**

### **Site Description**

The application relates to 66 Cow Heys a detached dwelling located in a residential area of Dalton Huddersfield. The dwelling is constructed from brick with a tiled roof. The dwelling benefits from a conservatory extension to the rear which projects 3.5m.

### **Description of development**

Permission is sought for a Certificate of Lawfulness for the erection of single storey rear extension. The extension would extend 3.5 metres out from the original building, replacing the existing conservatory. It would have a width of 4.13 metres and be 3.95 metres high, to the top of the mono-pitch roof, and 2.4m to the eaves. The rear extension would have 1 roof light, glazed patio doors to the rear elevation which look onto the rear garden, one window in the side elevation and would be constructed and finished with similar materials used on the original dwelling.

### **History of Negotiations/Amendments Received**

No amendments received or requested during the application process.

### **Relevant Planning History**

No planning history for the site. The existing conservatory appears to have been built at some time between 2002-2006.

### **Consultee Response**

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

### **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 'development rights for the enlargement, improvement or other alteration of a house.

### **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 under the provisions of these specified classes*

(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 proposal would not exceed 50% of the curtilage.*

(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 dwellinghouse is not increased*

(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 proposed extensions would not exceed 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 fronts a highway.*

(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 3 metres in the case of any other dwellinghouse, or

(ii) exceed 4 metres in height;

**Comment:** *The proposed development would extend by more than 3 metres beyond the rear wall of the dwelling. As the dwelling is semi-detached this does not accord with condition A.1(f)(i)*

(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 proposed development would extend 3.5 metres beyond the rear wall but the matter to be assessed has been submitted for a Lawful Development Certificate and not a prior approval for a larger householder extension.*

(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 proposed rear extension would not have more than one 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 proposed rear extension would be within 2 metres of the boundary although the eaves height does not exceed 3 metres above ground level.*

(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; or

**Comment:** *The proposal extension does not exceed 4 metres, is single storey and does not extend beyond 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 proposal would not adjoin an existing enlargement to the original dwellinghouse.*

(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

**Comment:** *The works do not consist of any of the above*

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

**Comment:** *Not applicable.*

### **Conclusion:**

The proposal for the erection of a single storey rear extension at 66 Cow Heys, has been considered against the Town and Country Planning (General Permitted Development - England) Order 2015 (as amended) and is recommended for refusal. This is because it does not benefit from a general planning permission normally 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) as it would extend beyond the rear wall of the original semi-detached dwellinghouse by more than 3 metres contrary to limitation A.1(f)(i).

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**Recommendation: Refuse**

The proposed single storey rear extension does 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 it would extend beyond the rear wall of the original semi-detached dwellinghouse by more than 3 metres contrary to sub-paragraph A.1(f)(i) of Class A.

**Plans and Specifications Schedule:**

<b>Plan Type</b>	<b>Reference</b>	<b>Date Received</b>
Planning Drawing	2232-01	16/01/2023