

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/90173/E

Site: 14, Willow Gardens, Scissett, Huddersfield, HD8
9UY

Description: Certificate of lawfulness for proposed conversion
of garage to living space with associated alterations and front porch

Case Officer: Nicole Helliwell

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 15-Mar-2023

Officer Report

Reference No. 2023/CLD/90173/E

Site Address: 14, Willow Gardens, Scissett, Huddersfield, HD8 9UY

Proposal: Certificate of lawfulness for proposed conversion of garage to living space with associated alterations and front porch

Site Description

The application relates to 14 Willow Gardens, a two storey detached property located in Scissett, Huddersfield. The dwelling currently benefits from off road parking to the front, an integral garage and a sufficiently sized garden to the rear. The neighbouring properties are of residential use and comprise two storey dwellings of varying architectural designs and sizes.

Description of development

Permission is sought for a Certificate of Lawfulness for the conversion of the existing integral garage to living accommodation with associated alterations and the erection of a front porch. The proposed alterations would include blocking up the existing garage door and replacing it with fenestration to serve the new sitting room.

History of Negotiations/Amendments Received

No amendments were sought or received during the course of the application.

Relevant Planning History

2017/93349: Variation of condition 1. (plans and specifications) on previous permission no. 2014/91699 for reserved matters application for erection of 200 dwellings to vary house types and/or alterations to roof style and internal layout of 32 of the approved dwellings.
[Planning application details | Kirklees Council](#)

2014/91699: Reserved matters application for erection of 200 dwellings.
[Planning application details | Kirklees Council](#)

2013/93440: Outline application for erection of residential development of up to 108 dwellings and associated works including demolition of existing farm building [Planning application details | Kirklees Council](#)

2012/93065: Outline application for erection of residential development of up to 200 dwellings and associated works including demolition of existing farm building. [Planning application details | Kirklees Council](#)

2012/93064: Outline application for erection of residential development of up to 108 dwellings and associated works including demolition of existing farm building. [Planning application details | Kirklees Council](#)

99/90179: Demolition of swimming baths and number 114 Wakefield Road, outline application for erection of new swimming baths, community hall with leisure facilities, food store, housing and playing fields. [Planning application details | Kirklees Council](#)

Consultation response

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

Denby Dale Parish Council – No objections

Assessment

Applications for Certificates of Lawful Developments for alterations and extensions to dwellings are assessed against the general permission conferred by the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).

The proposal comprises the conversion of the existing garage to living space with associated alterations and the erection of a front porch. Thus, the proposal constitutes the carrying out of building on and over land that would materially affect the external appearance of the existing building. It is therefore regarded as development defined by section 55 of the Town and Country Planning Act 1990.

It is noted that permitted development rights were removed for additional windows by condition 2 attached to planning permission 2017/93349. However, this condition only removed rights for plots 1, 6, 9 & 168. 14 Willow Gardens was plot 7 and as such permitted development right were retained.

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 alteration) and Class D (porches).

Development not permitted:

Class A – Garage conversion and associated alterations

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: *Not applicable, the proposed alterations are not considered to be enlargements.*

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: *No*

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: *N*

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: *Not applicable, the proposed alterations are not considered to be enlargements.*

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: *Not Applicable.*

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 proposed alterations to fenestration and the associated internal alterations are not considered to be enlargements, therefore, paragraph g is not applicable in this instance.*

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: *Not applicable, the proposed alterations are not considered to be enlargements.*

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: *Not applicable, the proposed alterations are not considered to be enlargements.*

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: *Not applicable, the proposed alterations are not considered to be enlargements.*

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: *Not applicable, the proposed alterations are not considered to be enlargements.*

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 proposed works include 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.*

Class D – Front Porch

D1. Development is not permitted by Class D 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 (change of use)

Comment: *The dwellinghouse has not been granted as a dwellinghouse by the above applications.*

(b) the ground area (measured externally) of the structure would exceed 3 square metres

Comment: *The ground area of the front porch would not exceed 3 square metres.*

(c) any part of the structure would be more than 3 metres above ground level or

Comment: *The height of the porch would not exceed 3 metres above ground level.*

(d) any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway

Comment: *The dwellinghouse is sat back from the highway, therefore the porch would not share a boundary with a highway.*

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

Comment: *Not applicable.*

Conclusion:

The proposal for the conversion of the existing garage to living space with associated alterations and the erection of a front porch at 14 Willow Gardens, has been considered against the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) and is recommended for approval.

Recommendation: GRANTED

The proposed garage conversion, alterations and front porch would benefit from a general planning permission granted by virtue of Article 3(1) and Schedule 2, Part 1, Classes A and D and of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) subject to the conditions within paragraph A.3.

Plans and Specifications Schedule:

Plan Type	Reference No.	Drawing No.	Date Received
Proposed Floor Plans	22-169	02	02/02/2023