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/90577/W

Site: 160, Lindley Moor Road, Lindley Moor, Huddersfield, HD3 3UE

Description: Certificate of lawfulness for proposed erection of single storey rear extension

Case Officer**:** Luke Walstow

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 14-Apr-2023

Officer Report

Site Description
The application relates to 160 Lindley Moor Road, a semi-detached dwelling located in the residential area of Lindley Moor, Huddersfield. The building has similar features to the neighbouring property, in terms of the materials it is constructed from, and windows and doors being in a similar layout and appearance. The dwelling is sat back from the road and has a driveway which leads to an external garage. The site is not located within conservation area.

Description of Development
Permission is sought for a Certificate of Lawfulness for the erection of single storey rear extension. The extension would extend 3 metres out from the original rear wall, 3.6 metres in width and have a height of 2.9 metres. The proposed extension would act as a rear-fill-in, adjoining an existing extension. The proposals rear extension would serve as a utility area.

History of Negotiations/Amendments Received
No amendments received or requested during the application process.

Relevant Planning History
No planning history for the site.

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 3 metres beyond the rear wall.*

(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 dwelling house, or
(ii) exceed 4 metres in height;
Comment: *The proposed development would extend 3 metres beyond the original rear wall, creating a fill in effect.*

(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 extend more than 3 metres out from the rear wall and is 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 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 adjoin an existing enlargement to the dwellinghouse. The total enlargements to the original dwellinghouse does not exceed limits set within paragraphs (e-j).*

(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 application*

Conclusion:
The proposal for the erection of a single storey rear extension at 27 Oaklands, has been considered against the Town and Country Planning (General Permitted Development - England) Order 2015 (as amended) and is recommended for refusal due to total extensions adjoining the proposed extensions exceeding more than half of the original dwelling house and inco0nclsuiove plans being provided for the frontal extension.

Recommendation: Approve

The proposed single storey rear extension benefits 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 condition as stated in paragraph A.3 of the same Order.

Plans and Specifications Schedule:

Plan Type	Reference	Date Received
Location Plan		21 February 2023
Block Plan		21 February 2023
Existing and Proposed Plans	02	21 February 2023

Coal - Low