# 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/90653/E

Site: 159, Hunsworth Lane, Hunsworth, Cleckheaton, BD19 4DT

Description: Certificate of lawfulness for proposed alterations to attached store to extend living accommodation

Case Officer**:** Jennifer Booth

**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 03-May-2023**

| | |
|---|---|
| **Reference:** | 2023/CLD/90653/E |
| **Applicant: -** | D Mort |
| **Location: -** | 159, Hunsworth Lane, Hunsworth, Cleckheaton, BD19 4DT |
| **Proposal: -** | **Certificate of lawfulness for proposed conversion of existing attached store to extend living accomodation** |



Site Description

159 Hunsworth Lane is a rendered, end terraced property with a stone porch to the front, attached store to the side and a lean to conservatory link extension across the rear. The property has a parking area to the front and an enclosed garden to the rear.

The property backs onto fields with a mix of residential properties surrounding.

Application Proposal

The application is for a certificate of lawful proposed development for the conversion of the store to additional living accommodation. The onus is on the applicant to provide evidence which states why the proposal fits with the permitted development legislation. In this case, the applicant has stated on the application form that the proposal is permitted development.

The works would include the insertion of windows in the front and rear elevations.

Relevant Planning History

1990/06684 – erection of first floor extension – approved although not built

Consultations

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

Legislation

The Town and Country Planning Act 1990 Section 55 and the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).

**Assessment: -**

The main considerations in the determination of this application are:

1. Whether the proposed development would constitute development as defined section 55 of the Town and Country Planning Act 1990;

1. If so, whether Permitted Development rights apply to the property; and

2. Whether the proposed development falls within permitted development 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 other alteration of a house)

The proposal comprises conversion of the existing store attached to the side into additional living accommodation. Although the proposal would not constitute the carrying out of building on and over land, the works would materially affect the external appearance of the existing building. As such, it is regarded as development as defined by section 55 of the Town and Country Planning Act 1990.

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 alterations of a house).

**Permitted development – Single storey rear extension**

A. The certificate of lawful development for the enlargement of a dwellinghouse consisting of the addition of an extension to the rear of the house is permitted development subject to complying with the relevant criteria below.

**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* *Permission for this dwelling was not granted by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use).*

**(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 works would not increase the footprint of the building.*

**(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 works do not include any increase in height of the store.*

**(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 eaves of the store would not be altered.*

**(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 works proposed are for the existing store to the side of the dwelling.*

**(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)** 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 proposal does not fall under this criteria.*

**(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* *not applicable.*

**(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.*

**(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 store already exists.*

**(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); *this criteria is not relevant.*

**(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 proposal does not include the construction of a verandah, balcony or raised platform, the installation, alteration or replacement of a microwave antenna, the installation, alteration or replacement of a chimney, flue or soil and vent pipe and an alteration to any part of the roof of the dwellinghouse.*

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

*Comment* *Not applicable*

A.1 Development is not permitted by Class A if—

**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;

(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 dwellinghouse is located in a conservation area and is proposed to have stone for the walling.*

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— (i) obscure-glazed, and (ii) 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

(c) Where the enlarged part of the dwellinghouse 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 dwellinghouse.

**Conclusion**

The proposed conversion of the existing store to additional living accommodation at 159 Hunsworth Lane does meet the criteria of permitted development as set out in Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) subject to respective conditions as stated in paragraph A.3 of the same Order.

**Recommendation: APPROVE certificate**

**Decision Authorisation - Delegated Powers**
**Application Number**: 2023/90653

**Officer Recommendation**: GRANT certificate

The proposed conversion of the existing store to additional living accommodation at 159 Hunsworth Lane 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 respective conditions as stated in paragraph A.3 of the same Order.

Plans and specifications schedule: -

| Plan Type | Reference | Web ID | Date Received |
|---|---|---|---|
| Application form | - | 978865 | 13/03/2023 |
| Location plan | - | 979671 | 13/03/2023 |
| Existing elevation | - | 978868 | 13/03/2023 |
| Existing floor plan | 01 | 978866 | 13/03/2023 |
| Proposed elevation | 04 | 978870 | 13/03/2023 |
| Proposed floor plan | 03 | 978869 | 13/03/2023 |

**Report Dated** 02/05/2023