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/90667/E

Site: 30, Clay Delf, Lower Cumberworth, Huddersfield, HD8 8TN

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

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 25-Apr-2023

Officer Report

Reference No. 2023/CLD/90667/E
Site Address: 30, Clay Delf, Lower Cumberworth, Huddersfield, HD8 8TN
Proposal: Certificate of lawfulness for proposed erection of single storey rear extension

Site Description
The application relates to 30 Clay Delf, a three storey terraced property located in Lower Cumberworth, Huddersfield. The property is faced in stone and render and incorporates a dual pitched roof finished in concrete tiles. The dwelling benefits from off road parking to the front, an integral garage and a garden to the rear. The neighbouring properties are of residential use and comprise a combination of two storey and three storey dwellings of similar materials and styles.

Description of development
Permission is sought for a Certificate of Lawfulness for a single storey rear extension. The proposed extension would project 3m from the rear elevation of the original build. It would have a maximum height of 3.5m and a height to eaves 2.5m.

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

Relevant Planning History
2003/90217: Erection of 92 two and three storey dwellings with associated garages, roads and fences (modified proposal). Planning application details | Kirklees Council
2001/93368: Erection of 92 two and three storey houses. Planning application details | Kirklees Council
2000/92876: Erection of 65 no. Dwellings with garages. Planning application details | Kirklees Council
98/90653: Renewal of unimplemented outline permission for industrial development. Planning application details | Kirklees Council
94/90874: Certificate of lawfulness for an existing use for the manufacture of vitrified clay pipes, sanitary pipes and fittings, drainage materials, conduits, water and sewage treatment tiles consisting of an industrial process falling within use class b2 of the town and country planning (use classes) order 1987 with ancillary office accommodation and open-air storage of clay pipes. Planning application details | Kirklees Council
93/01651: Outline application for industrial development. Planning application details | Kirklees Council

Consultation Responses
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 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 extension (3.5m) would not exceed the maximum height of the roof of the original existing dwellinghouse (10.8m).*

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 height of the extension 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 extension 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 story 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 property is a terrace dwelling and is not on article 2(3) land or on a site of special scientific interest. The proposed extension would extend a maximum of 3m beyond the existing rear elevation and would have a maximum height of 3.5m.*

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 extension 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 extension would be sited within 2 metres of the boundary of curtilage. However, the height to eaves of the proposed extension would be 2.5m and would not exceed 3 metres.*

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 extension 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 extension 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 a single storey rear extension at 30 Clay Delf, 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 single storey rear extension would benefit 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 A.3 of the same Order.

Plans and Specifications Schedule:

Plan Type	Reference	Revision	Date Received
Location Plan	01		01/03/2023
General Arrangement Drawing	02	A	01/03/2023