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/91321/W
Site:	45, Briarlyn Road, Birchencliffe, Huddersfield, HD3 3NL
Description:	Certificate of lawfulness for proposed erection of outbuilding
Case Officer**:**	Luke Walstow

Decision Reference: Grant Lawful Development Certificate

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.

Teresa Harlow

AUTHORISED OFFICER

Date 21-Jul-2023

Officer Report

Site Description

45 Briarlyn Road is a semi-detached dwelling located within the residential area of Birchencliffe, Huddersfield. The dwelling is finished with a pebble dashed render on its exterior walls, benefits from off-street parking and a rear garden. The neighbouring dwellings are similar in age, style, and construction materials

Description of development

Permission is sought for a Certificate of Lawfulness for a proposed outbuilding. The outbuilding would measure 3 metres wide, 8.46 metres in length and 2.5 metres in total height (2.16 metres to the eaves). The outbuilding would have a flat roof with glazed windows and doors on the external wall elevations.

The property has not had its permitted development rights removed.

History of negotiations/amendments received

The proposal on submission was unacceptable due to the height of the outbuilding being above 2.5 metres. Officers made contact with the agent to state how the height on submission would not meet guidelines and revised plans would need to be submitted. Amendments were received from the agent showing a reduced height of the outbuilding of 2.5 metres.

Relevant Planning History

2022/92528. Erection of two storey side and single storey rear extensions. *Conditional Full Permission – 12/05/2023.*

Consultation 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 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 E (a) of the Order sets out the Permitted Development Rights which relates to the ‘any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure’. In assessing the proposal against this:

Development not permitted

E.1 Development is not permitted by Class E if:

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, 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.*

(a) the total area of ground covered by buildings, enclosures and containers within the curtilage (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 proposed outbuilding would not exceed 50% of the total area of the curtilage.*

(b) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse
Comment: *The outbuilding would be located in the rear garden and would not be forward of a wall forming the principal elevation of the original dwelling.*

(c) the building would have more than a single storey.
Comment: The outbuilding is single storey.

(d) the height of the building, enclosure or container would exceed:

(i) 4 metres in the case of a building with a dual-pitched roof,
(ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or
(iii) 3 metres in any other case
Comment: *The proposed maximum height of the outbuilding is 2.5 metres after amendments were secured.*

(e) the height of the eaves of the building would exceed 2.5 metres
Comment: The eaves of the outbuilding would be 2.1 metres.

(f) the building, enclosure, pool or container would be situated within the curtilage of a listed building
Comment: *Outbuilding would not be situated within the curtilage of a listed building.*

(g) it would include the construction or provision of a verandah, balcony or raised platform
(h) it relates to a dwelling or a microwave antenna
(i) the capacity of the container would exceed 3,500 litres

Comment: *The outbuilding would not constructed a veranda, balcony or raised platform and would not exceed 3,500 litres.*

Conclusion:

The proposal for the erection of an outbuilding at 45 Briarlyn Road, Birchencliffe, Huddersfield, HD3 3NL, has been considered against the Town and Country Planning (General Permitted Development - England) Order 2015 (as amended) and is recommended for approval.

The proposed erection of an outbuilding benefits from a general planning permission granted by virtue of Article 3(1) and Schedule 2, Part 1, Classes E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) subject to conditions as set out in paragraphs E.1 of the same order.

Recommendation: Granted

Plans and specifications schedule:

Plan Type	**Drawing Number**	**Reference**	**Date Received**
Proposed Site Plan	UD-502	Height 2.5m	19 July 2023

Report Dated: 21/07/2023

Coal: Low