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/91326/E
Site:	100-154, (28 properties), Allencroft, Birkenshaw, BD11 2AD
Description:	Certificate of lawfulness for proposed replacement windows and cladding
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 31-Jul-2023

Officer Report

Reference No. 2023/CLD/91326/E

Site Address: 100-154, (28 properties), Allen Croft, Birkenshaw, BD11 2AD

Proposal: Certificate of lawfulness for proposed replacement windows and cladding

Site Description

The application relates to 100-154 Allen Croft, which comprises 4 two storey apartment blocks located in Birkenshaw. The buildings are predominately faced in stone with elements of cladding and hung tiles. The properties incorporate a dual pitched roof and benefit from off road parking to the front with gardens to the front and rear. The neighbouring properties are of residential use and vary in terms of scales, materials and styles.

Description of development

Permission is sought for a Certificate of Lawfulness for replacement windows and cladding. The application seeks to replace the existing cladding with Stucco render (RAL 8019). It is also noted that the existing windows would be replaced with white UPVC framed windows of the same design, colour, material and style as the existing.

History of Negotiations/Amendments Received

Amendments were sought during the course of the application. A request was made to alter the colour of the render to RAL 8019 to match the colour of the existing vertically hung tiles. Revised plans were received which were considered acceptable.

Relevant Planning History

Not Applicable.

Consultation Responses

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

Legislation

As this is for a Lawful Development Certificate, local and national policy documents do not fall to be considered.

As the application is for a Lawful Development Certificate for a proposed use or development, the planning merits of the scheme do not fall to be considered. The purpose of the application is to determine whether planning permission would be required. Of relevance is section 55(2)(a)(ii) of the Town and Country Planning Act 1990.

Assessment

Section 55(2)(a)(ii) of the Town and Country Planning Act 1990 states:

The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land—

(a) the carrying out for the maintenance, improvement or other alteration of any building of works which—

(i) affect only the interior of the building, or

(ii) do not materially affect the external appearance of the building,

The replacement of brown tiled cladding with the proposed render of an equivalent colour (RAL 8019) would result in an appearance largely the same as existing building. Furthermore, some of the existing windows would be replaced with white UPVC framed windows of the same design, colour, material and style as the existing. It is therefore considered the works would not materially alter the external appearance of the buildings and would not constitute development under Section 55(2)(a)(ii) of the Town and Country Planning Act 1990.

Conclusion

The proposal for replacement windows and render at 100-154 Allen Croft is not considered to be development by virtue of Section 55(2)(a)(ii) of the Town and Country Planning Act 1990 as proposed works would not materially alter the external appearance of the buildings. Therefore, the proposed works are not considered to constitute development requiring planning permission.

Recommendation: GRANT Certificate

Plans and Specifications Schedule:

Plan Type	Reference	Version	Date Received
Location Plan	15/175-BBA-03-XX-DR-A-0101	P01	10/05/2023
Block 1 Existing Elevations	15/175-BBA-03-XX-DR-A-0102	P01	10/05/2023
Block 1 Existing Floor Plans	15/175-BBA-03-XX-DR-A-0103	P01	10/05/2023
Block 1 Proposed Floor Plans	15/175-BBA-03-XX-DR-A-0104	P01	10/05/2023
Block 1 Proposed Elevations	15/175-BBA-03-XX-DR-A-0105	P02	06/07/2023
Block 2 Existing Elevations	15/175-BBA-03-XX-	P01	10/05/2023

	DR-A-0106		
Block 2 Existing Floor Plans	15/175-BBA-03-XX-DR-A-0107	P01	10/05/2023
Block 2 Proposed Floor Plans	15/175-BBA-03-XX-DR-A-0108	P01	10/05/2023
Block 2 Proposed Elevations	15/175-BBA-03-XX-DR-A-0109	P02	06/07/2023
Block 3 Existing Elevations	15/175-BBA-03-XX-DR-A-0110	P01	10/05/2023
Block 3 Existing Floor Plans	15/175-BBA-03-XX-DR-A-0111	P01	10/05/2023
Block 3 Proposed Floor Plans	15/175-BBA-03-XX-DR-A-0112	P01	10/05/2023
Block 3 Proposed Elevations	15/175-BBA-03-XX-DR-A-0113	P02	20/07/2023
Block 4 Existing Front & Side Elevations	15/175-BBA-03-XX-DR-A-0114	P01	10/05/2023
Block 4 Existing Rear & Side Elevations	15/175-BBA-03-XX-DR-A-0115	P01	10/05/2023
Block 4 Existing Ground Floor Plan	15/175-BBA-03-XX-DR-A-0116	P01	10/05/2023
Block 4 Existing First Floor Plan	15/175-BBA-03-XX-DR-A-0117	P01	10/05/2023
Block 4 Proposed Ground Floor Plan	15/175-BBA-03-XX-DR-A-0118	P01	10/05/2023
Block 4 Proposed First Floor Plan	15/175-BBA-03-XX-DR-A-0119	P01	10/05/2023
Block 4 Proposed Front & Side Elevations	15/175-BBA-03-XX-DR-A-0120	P02	06/07/2023
Block 4 Proposed Rear & Side Elevations	15/175-BBA-03-XX-DR-A-0121	P01	10/05/2023