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/91511/W
Site:	33, St Mary's Avenue, Netherthong, Holmfirth, HD9 3XN
Description:	Certificate of lawfulness for proposed single storey rear extension
Case Officer**:**	Laura Yeadon

Decision Reference: Lawful Development Certificate Approved.

I hereby authorise the approval 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 13-Jul-2023

Officer Report

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023%2f91511

Site Description

33 St Mary's Avenue is a modern detached dwelling located within the Strategic Green Infrastructure Network on the Kirklees Local Plan. The property forms as part of a wider housing development of 30 no. dwellings. The property is constructed from stone with a concrete tiled roof.

Description of Proposal

Permission is sought for a Certificate of Lawfulness for the erection of a single storey extension to the rear of the property.

The extension would project from the rear elevation of the property by 4 metres and the furthest point and would be the full width of the property with an eaves height of 2.3 metres rising to an overall height of 3.3 metres to the ridge of the lean-to and pitched roof.

No details have been submitted with regards to construction materials.

The property has not had its Permitted Development Rights removed.

History of negotiations/amendments received

Amended plan to clarify the extension did not project more than 4m.

Holme Valley Parish Council – 'support' the proposal.

Relevant Planning History

2013/93271 Outline application for erection of residential development
Refused – appeal upheld

2014/91533 Outline application for erection of residential development
Conditional Outline Permission

2016/93365 Reserved matters application pursuant to outline permission 2014/91533 for erection of 30 dwellings
Approval of Reserved Matters

2016/94029 Discharge conditions 5 (affordable housing) and 6 (public open space) on previous permission 2015/91533 for outline application for residential development
Approved

2017/90700 Discharge of conditions 4, 7, 9, 11, 12, 13 of previous permission 2014/91533 for outline application for erection of residential development
Approved

2017/92577 Variation of Condition 1 (plans) on previous permission 2016/93365 for reserved matters application pursuant to outline permission for erection of 30 dwellings
Approved

2017/94019 Discharge conditions 9 (highways and drainage) and 11 (drainage) on previous application 2014/91533 for outline application for erection of residential development
Discharge of Conditions Approved

2022/91010 Confirmation of compliance on previous permission 2014/91533 for outline application for erection of residential development
Split decision

Consultation Responses

None required

Issues and 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 dwelling has not be granted by any of the above 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: No more than 50% of the curtilage of the dwelling would be covered by additions

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 part of the dwellinghouse enlarged, improved or altered would not exceed the height of the highest part of the roof of the existing dwellinghouse

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 part of the dwellinghouse enlarged, improved or altered 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 enlargement would be to the rear of the 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 dwelling, or
II. 3 metres in the case of any other dwellinghouse.
III. Exceed 4 metres in height;

Comment*:* The enlargement proposed would not extend beyond the rear wall of the dwellinghouse by 4 metres and would not 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 enlargement proposed would not extend beyond the rear wall of the dwellinghouse by 4 metres and would not exceed 4 metres in height

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 enlarged part of the dwellinghouse will not be more than one storey in height

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 enlargement would be within 2 metres of the boundary however the eaves height would not exceed 3 metres

j) The enlarged part of the dwellinghouse would extend beyond 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 extension is only to the rear of the property

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**:* Not applicable

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**:* None of the above are proposed

l) The dwellinghouse us 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.

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
    III. 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 proposal has been considered against the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) and is recommended for approval.

The single storey rear extension benefits from a general planning permission granted under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) subject to conditions within Class A of the same Order.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	2391-D-20-001		23rd May 2023
Existing floor plan	2391-D-20-002		23rd May 2023
Existing elevations	2391-D-20-003		23rd May 2023
Proposed floor plan	2391-D-20-004		23rd May 2023

Plan Type	Reference	Version	Date Received
Proposed elevations	2391-D-20-005	A	13th July 2023

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

The Case Officer did not enter into negotiations or request amended plans for the proposed development as it was considered that the application was considered acceptable in its submitted form.

Dated: 13th July 2023