

**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/91575/E

Site: 49, Church Road, Roberttown, Liversedge, WF15
7LP

Description: Certificate of lawfulness for proposed erection of
single storey rear extension and detached garden room

Case Officer: Morgan Braithwaite

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 07-Dec-2023

Officer Report

Site Description

49 Church Road, Roberttown, Liversedge, WF15 7LP is a two-storey detached dwelling.

The property is constructed from stone.

The dwellings that form the street scene are not uniform in appearance, scale, or constructed from a similar material palette. The area is predominantly residential.

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 and a garden room. At the time of the site visit, no works had commenced.

The extension would project from the rear elevation of the property by 3 metres and would be a total width of 3.5 metres with an eaves height of 2.5 metres rising to an overall height of 3.3 metres to the ridge of the lean-to roof.

The garden building is located to the rear of the property and measures 3.7 metres in width, 3.3 metres in length with a monopitch roof at a maximum height of 2.5 metres.

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

No negotiations have taken place and no amended plans received.

Relevant Planning History

86/04433: Proposed extension to existing radio receiver. Refused.

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: *permission to use the dwelling house was not granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this schedule (changes of use)*

- a) 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)*

- b) 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 dwellinghouse enlarged, improved, or altered would not exceed the height of the highest part of the roof of the existing dwellinghouse. This is due to the proposal being single storey in height.*

- c) 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 if the eaves of the existing dwellinghouse. This is due to the proposal being single storey in height.*

- d) The enlarged part of the dwellinghouse would extend beyond a wall which –
 - (i) forms the principal elevation of the original dwellinghouse;
 - or

- (i) fronts a highway and forms a side elevation of the original dwellinghouse;

Comment: *the enlarged part of the dwellinghouse would not extend beyond a wall which forms the principal elevation of the original dwellinghouse, nor would it front a highway or form a side elevation of the original dwellinghouse. This is due to the proposal relating to the rear of the existing dwelling.*

- e) 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
 - I. 3 metres in the case of any other dwellinghouse.
 - II. Exceed 4 metres in height;

Comment: *the enlarged part of the dwellinghouse is to be single storey. It would not extend beyond the rear of the property by more than 4 meters. The proposal states the enlargement shall extend by 3 meters, therefore complying.*

- f) Until 30th May 2019, 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
 - I. Exceed 4 metres in height

Comment: *the enlarged part of the dwellinghouse would not extend by more than 8 meters. The proposal states the enlargement shall extend 3 meters, therefore complying.*

- g) 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 is to be single storey, is proposed to extend by 3 meters and shall be within 7 meters of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse.*

- h) 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 enlarged part of the dwellinghouse would be within 2 meters of the boundary of the curtilage of the dwellinghouse. The height of the eaves shall not exceed 3 meters. The proposed eaves are 2.5 meters.*

- i) 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
 - I. Have more than a single storey, or
 - II. Have a width greater than half the width of the original dwellinghouse

Comment: *the enlarged part of the dwellinghouse would not extend beyond a wall forming the side elevation, would not exceed 4 metres in height, shall be single storey and will not have a width greater than half the width 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 total enlargement would not exceed the limits set out in sub-paragraphs (e) to (j)*

- j) It would consist of or include –
 - i. The construction or provision of a veranda, 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 would not consist of or include the provision of a veranda, balcony or raised platform. There would be no installation, alteration or replacement of a chimney, flue or soil and vent pipe, or any 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;
- a) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
- b) 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 proposal would not 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. The enlargement would not extend beyond a wall forming a side elevation of the original dwellinghouse, nor would the proposal have more than single storey.*

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;
- a) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—
 - I. obscure-glazed, and
 - I. 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
 - II. 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.

Comment: the materials used in any exterior work must match those of the existing dwelling. The proposal is single storey.

Class E – buildings etc incidental to the enjoyment of a dwellinghouse

E. Permitted development

The provision within the curtilage of the dwellinghouse of—

- (a) 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; or*
- (b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.*

E.1 Development not permitted

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 G M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);

Comment: No

(b) 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: No

(c) 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;

(d) the building would have more than a single storey;

Comment: No

(e) 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: No

(f) the height of the eaves of the building would exceed 2.5 metres;

Comment:

(g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;

Comment: No

(h) it would include the construction or provision of a verandah, balcony or raised platform;

Comment: No

(i) it relates to a dwelling or a microwave antenna;

Comment: No

(j) the capacity of the container would exceed 3,500 litres; or

Comment: No

(k) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).”.

Comment: No

E.2

In the case of any land within the curtilage of the dwellinghouse which is within—

(a) an area of outstanding natural beauty;
(b) the Broads;
(c) a National Park; or
(d) a World Heritage Site,
development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.

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 and detached garden room benefit from a general planning permission granted by virtue of Article 3(1) and Schedule 2, Part 1, Classes A and E of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) subject to conditions within Class A of the same Order with regard to the rear extension.

Plans and specifications schedule: -

Plan Type	Reference	Date Received
Location Plan	992530	06.06.2023
Grouped Plans and Elevations	992528	06.06.2023

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: 01.12.2023