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/91734/E
Site:	36, Grenoside View, Highburton, Huddersfield, HD8 0GT
Description:	Certificate of lawfulness for proposed single storey rear extension
Case Officer**:**	Katie Wilson
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 04-Sep-2023

Officer Report

Site Description

36, Grenoside View, Highburton, Huddersfield, HD8 0GT.
The application site is a two-storey detached house, with single-storey elements projecting to the front. It is thought to have been built around 20 years. The external walls are predominantly surfaced in artificial stone and the roof surfaced in concrete interlocking tiles.
There is a small garden and driveway leading to integral garages at the front and a moderately sized garden at the back enclosed by others to all sides.

The site is located at the head of a residential cul-de-sac and the ground is relatively level.

Description of Proposal
Permission is sought for a Certificate of Lawfulness for the proposed erection of a single storey rear extension.
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 as the proposal was acceptable as submitted.

Relevant Planning History
2003/94478 – Erection of residential development (112 dwellings) with associated amenity space, landscaping, internal roads and access. Section 106 full permission.
Planning application details | Kirklees Council

Consultation Responses
None required.

Issues and Assessment
Proposed single storey rear extension:

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 relate to the 'enlargement, improvement or other alteration of 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**: Not applicable.*

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 would not exceed 50% of the total area of curtilage.*

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 part of the dwellinghouse enlarged would not exceed the highest part of the roof of the existing dwellinghouse.*

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 eaves of the proposed single storey rear extension would not exceed the original eaves.*

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 dwelling/house;

***Comment**: No - the application relates to a single storey rear extension.*

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 single storey rear extension would have a projection of 4.0m and a height of approximately 3.8m.*

f) 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 single storey rear extension would have a projection of 4.0m and a height of approximately 3.8m.*

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 dwelling/house opposite the rear wall of the dwellinghouse

***Comment**: Not applicable.*

h) The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwelling/house, and the height of the eaves of the enlarged part would exceed 3 metres;

***Comment**: The eaves of the proposed single storey rear extension would be approximately 2.5m.*

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

***Comment**: Not applicable.*

(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:** There are no existing enlargements to the dwellinghouse.*

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 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 single storey rear extension does not include any of the above.*

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

Comment: *Not applicable.*

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 dwelling/house; or
b) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwelling/house.

Comment*: Not applicable.*

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 dwelling/house;

Comment*: Proposed wall materials consist of artificial stone to match the original dwelling.*

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*: Not applicable.*

Conclusion:
The proposed single storey rear extension meets the relevant criteria.

Recommendation: Grant certificate of Lawful Development
Decision Authorisation - Delegated Powers
Application Number: 2023/91734
Officer Recommendation: Grant certificate of Lawful Development

The proposed single storey rear extension enlargement benefits from a general planning permission granted by virtue of Article 3(1) and Schedule 2, Part 1, Classes A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) subject to conditions within paragraph A.3 of the same Order.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location plan	Dwg no. LP01		12.06.2023
Site plan as proposed, floor plans and elevations as existing and as proposed.	Dwg no. 2023/021/04		12.06.2023

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 acceptable in its submitted form.

Dated: 31st August 2023