

**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/91924/W

Site: 17, Thorpe Green Drive, Golcar, Huddersfield,
HD7 4QS

Description: Certificate of lawfulness for proposed single storey
rear extension

Case Officer: Laura Yeadon

Decision Reference: PROPOSED OPERATIONS REFUSE

**I hereby authorise the refusal of this application for the reasons set out
in the officer's report and recommendation annexed below in respect of
the above matter.**

West Team

AUTHORISED OFFICER

Date 21-Aug-2023

Officer Report

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023%2f91924>

Site Description

17 Thorpe Green Drive is a two storey semi-detached property located within an area without notation within the Kirklees Local Plan. The property is constructed from brick and has a double height bay window to the front elevation and an outrigger to the rear. There is also a detached garage which is accessed via a driveway to the side of the property. Garden areas are located to the front and rear.

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 replace the existing outrigger projecting from the rear elevation of the property by 3 metres and would be a total width of 5.9 metres with an eaves height of 2.5 metres rising to an overall height of 3.4 metres to the ridge of the lean-to 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

No negotiations have taken place and no amended plans received.

Relevant Planning History

No history

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 property has not been granted permission via 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: The works would not result in the total area of ground covered would exceed 50%

- 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 extension would not exceed the highest part of the roof of the existing property

- 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 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 dwellinghouse would be extended to the rear

- 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 extension would not project more than 3 metres from the rear elevation of the property or 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 storey 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 extension would not project more than 3 metres from the rear elevation of the property or 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 would not be more than one single storey

- 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 enlarged part of the dwellinghouse 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 extends beyond the side elevation of the original dwellinghouse by reason of an original outrigger and is more than half the width of the original building

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 extension would not exceed the limits set out above

- 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 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: None of the above works are proposed

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

Comment: The dwellinghouse was not built under a Part 20 permission

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.
- d) 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 (b) and (c).

Comment: The dwellinghouse is not on article 2(3) land

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.

Comment: The proposed materials details have not been submitted however this is covered via the above condition and there are no upper floor openings proposed

Conclusion:

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

The single storey rear extension does **not** benefit from a general planning permission granted under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) as the enlargement extends beyond the side elevation of the original dwelling and is more than half the width of the original dwellinghouse contrary to paragraphs (j) of Class A.

There is a single storey outrigger to the rear elevation which on the balance of probability is part of the original dwellinghouse as evidence by the Council's 1966 historical map and as common to all other properties in the immediate vicinity. As the extension would project beyond the side elevation of this original feature and is more than half the width of the original dwellinghouse the proposal fails to meet the permitted development criteria.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan and existing elevations and floor plan			29 th June 2023
Proposed block plan, elevations and floor plan			29 th June 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 a pre-application service is available.

Dated: 7th August 2023