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/92206/W

Site: 23, Roundway, Honley, Holmfirth, HD9 6BU

Description: Certificate of lawfulness for proposed erection of garage, alteration of window to door, removal of store and dropped kerb

Case Officer**:** Luke Walstow

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 02-Oct-2023

Officer Report

Application Reference: 2023/92206
Site: 23, Roundway, Honley, Holmfirth, HD9 6BU

Site Description

23 Roundway is a semi-detached dwelling located within the residential area of Honley, Holmfirth. The dwelling is constructed from red brick with tiles on the roof. The street-scene consist for residential dwellings of similar design and scale. The dwelling benefits from a front and rear garden.

Description of Development

The proposal is for the erection of a garage and alteration to a window.

Length: 8.75 metres in length.
Width: 3.6 metres in width.
Height: 2.5 metres in height.

The proposed outbuilding would be constructed from red brick to match the host dwelling and would be slanted roof in nature. A store would be removed to allow access to the outbuilding. A window would be replaced by a door on the rear elevation.

The applicant also proposes to create a permeable hardsurface within the front garden and driveway leading to the rear garage. These works also consist of the partial removal of a front boundary wall/gate.

History of negotiations/amendments received

No negotiations have taken place and no amended plans have been received.

Relevant Planning History

The site has no planning history.

Representations

No representations received

Consultation Responses

No consultations are necessary as this is an application for a Lawful Development Certificate.

A consultation has been sent to Holme Valley Parish Council who support the application.

Assessment

Applications for Certificates of Lawful Developments for the erection of buildings within the curtilage of a dwellinghouse 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 E of the Order sets out the Permitted Development Rights which relates to 'buildings etc incidental to the enjoyment of a dwellinghouse'. In assessing the proposal against this. Class F provides for the formation of a hardsurface within the curtilage of the dwellinghouse. Class A for alterations to the dwellinghouse including the removal of the store.

Alterations to dwellinghouse

Removal of store and alterations of rear window to French doors

Class A – enlargement, improvement or other alteration of a dwellinghouse

A. Permitted Development

The enlargement, improvement or other alteration of a dwellinghouse.

A.1 Development not permitted

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: No**

(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**

(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: No**

(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: No**

(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: Does not consist of an enlargement

(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 dwellinghouse, or 3 metres in the case of any other dwellinghouse, or
(ii) exceed 4 metres in height;
Comment: Does not consist of an enlargement

(g) […] for a dwellinghouse 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;
(h) the enlarged part of the dwellinghouse would have more than a single storey and—
Comment: Does not consist of an enlargement

(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or
(ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;

(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: Does not consist of an enlargement

(j) 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,
(ii) have more than a single storey, or
(iii) have a width greater than half the width of the original dwellinghouse; […]
Comment: Does not consist of an enlargement

(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: Does not consist of an enlargement

(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: No**
(l) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses). **Comment: No**

A.2
3B-1015In 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).]

Erection of garage

Development not permitted:
E.1 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: *The application site has not been granted permission by means of the above.*

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: *The combined area covered by these, including that of the proposed outbuilding, would not exceed 50% of the curtilage area (excluding the ground area of the original dwellinghouse).*

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;
Comment: *The proposed outbuilding would not project beyond the principal elevation (that which contains the main entrance door and architectural detailing).*

d) the building would have more than a single storey;
Comment: *The proposed outbuilding would be single storey.*

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: *The proposal would be located within 2.0m of the boundary of the curtilage and has a maximum height of 2.5 metres.*

f) the height of the eaves of the building would exceed 2.5 metres;
Comment: *The proposed eaves height of the outbuilding would not exceed 2.5m*

g) the building, enclosure, pool or container would be situated within the curtilage of a
listed building;
Comment: *The proposed outbuilding would not be situated within the curtilage of a listed building.*

h) it would include the construction or provision of a verandah, balcony or raised platform;
Comment: *The proposal does not include any of the above.*

i) it relates to a dwelling or a microwave antenna;
Comment: *The proposal does not relate to the above*
j) the capacity of the container would exceed 3,500 litres; or
Comment: *This proposal does not relate to a container.*

k) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).
Comment: *The dwellinghouse has not been built under Part 20 of this Schedule (construction of new dwellinghouses).*

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.
Comment: *The proposed would not be located in any of the above areas.*

E.3 In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.
Comment: *The application site is not located in article 2(3) land*

E.4 For the purposes of Class E, “purpose incidental to the enjoyment of the dwellinghouse as such” includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse.
Comment: *This is noted.*

Hardsurface

Class F – hard surfaces incidental to the enjoyment of a dwellinghouse

F. Permitted development

Development consisting of—

(a) the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such; or

(b) the replacement in whole or in part of such a surface.

F.1 Development not permitted

3B-1034“Development is not permitted by Class F if—

(c) 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); or **Comment: No**

(d) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).”. **Comment: No**

F.2 Conditions

Development is permitted by Class F subject to the condition that where—
(a) the hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and
(b) the area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres,
either the hard surface is made of porous materials, or provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

It is also a requirement under Article 3 of the Order that any material widening of the existing access must not be onto a classified or trunk road. In this case Roundway is not a classified road.

Partial removal of wall/gate

Part 11, Class C

C. Permitted development

Any building operation consisting of the demolition of the whole or any part of any gate, fence, wall or other means of enclosure.

C.1 Development not permitted

Development is not permitted by Class C if the demolition is “relevant demolition” for the purposes of section 196D of the Act (demolition of an unlisted etc building in a conservation area)7. The new exception in para.B.1(d) is to protect the specified venues by preventing their unnecessary loss as a result of having to close due to the coronavirus pandemic.
Comment: No

Dropped Kerb

The alteration of kerb within the highway is required to comply with Section 184 of the Highway Act 1990 for permission to construct a vehicular crossing facility. In such circumstances the Local Highway Authority are effectively governing the works to the highway and as such benefit from a exemption to the definition of development as set out in section 55 of the Town and Country Planning Act 1990.

Conclusion:

The proposal for the erection of a detached outbuilding serving as a garage, alteration to a window to a door , removal of store, partial removal of boundary wall and dropped kerb at 23 Roundway, Honley, Holmfirth, HD9 6BU has been considered against the Town and Country Planning (General Permitted Development - England) Order 2015 (as amended) and is recommended for approval.

Decision Notice Text:

The proposal for the erection of a detached outbuilding serving as a garage, alteration to a window to a door, removal of store, partial removal of boundary wall, and formation of hardsurface as shown on the plans listed in the table below benefit from a general planning permission granted by virtue of Classes A, E and F of Part 1, Class A and Part 11 Class C of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) subject to respective conditions as state in paragraphs A.3, E.2 and F.2 of the Order.

NOTE: The alteration of the kerb to form a vehicular crossing facility must be carried out in accordance with Section 184 of the Highway Act 1980. Details

on how to apply to the Local Highway Authority for such purposes can be found at https://www.kirklees.gov.uk/beta/transport-roads-and-parking/dropped-kerbs.aspx .

This decision is based on the following details(s):-

Plan Type	Reference	Version	Date Received
Existing Floor Plans & Elevations	23.2732.01	-	28/07/2023
Proposed Floor Plans & Elevations	23.2732.02	B	28/07/2023
Proposed Floor Plans & Elevations	23.2732.03	A	28/07/2023

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 Authority have, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The application was determined on the submitted information.