

**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/93012/W

Site: 2, Millwright Close, Marsden, Huddersfield, HD7
6EQ

Description: Certificate of lawfulness for proposed erection of
single storey rear extension and demolition of existing conservatory

Case Officer: Joanna Rednall

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 19-Dec-2023

Officer Report

Site Description

2 Millwright Close is a detached two storey dwelling located in a cul-de-sac where surrounding development is similar in terms of design and construction materials. The property hosts a driveway which leads to an integrated garage, and has a large lawned garden to the rear. The property is located in the River Colne Corridor.

Unallocated in the Local Plan and is adjacent to the Green Belt.

Description of Proposal

Permission is sought for a Certificate of Lawfulness for the erection of a single storey rear extension and demolition of existing conservatory.

The extension would project from the rear elevation of the property by 3.8 metres and would be a total width of 4 metres rising to an overall height of 2.7 metres to the flat roof.

The extension would be constructed from stone to match the existing dwelling.

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

- 2023/92042 – Certificate of lawfulness for proposed erection of single storey rear extension and alterations to garage to form entrance door - Granted

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 has not been granted by any of the above.*

- 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 extension would not exceed 50% of the curtilage around the original dwellinghouse.*

- 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 height 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 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 extension would not extend beyond a principal elevation. The side elevation does not front a highway.*

- 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 dwelling is detached and does not extend more than 4 metres 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 dwelling is detached and does not extend beyond the rear wall by more than 8 metres and does 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 does not have more than a single storey and is not within 7 metres of any boundary of the curtilage of the 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: *the extension would not be within 2 metres of the boundary of the curtilage of the dwellinghouse and the height of the eaves would not exceed 3 metres.*

- 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: *the extension does extend beyond a wall forming a side elevation of the original dwellinghouse and although would not exceed 4 metres in height, have more than a single storey or 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 proposed extension does not adjoin an existing enlargement to the original dwellinghouse.*

- 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: *the proposed works do not consist of any of the above.*

(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;
- 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.

Comment: *none of the above are proposed.*

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 construction materials listed on the proposed plan match the existing materials of the dwelling and no upper-floor windows located in a wall or roof slope are proposed.*

The demolition of the existing conservatory is considered to be an alteration of the dwellinghouse which is also considered to accord with the limitations as set out in Class A, Part 1.

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 demolition of the existing conservatory and erection of single storey rear extension benefit from a general planning permission granted by virtue of Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) subject to conditions as stated in paragraph Class A.3 of the same Order.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application Form			11/10/2023
Site plan	37/2431/05		26/10/2023
As existing: plan & elevations	37/2431/01A		24/10/2023
As proposed: plan & elevations	37/2431/04F		11/10/2023

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: 18/12/23

