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/93415/W

Site: 21, Highfield Crescent, Meltham, Holmfirth, HD9 5RQ

Description: Certificate of lawfulness for proposed erection of single storey rear extension and front porch

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 15-Jan-2024

Officer Report

Site Description

21 Highfield Crescent is two storey semi detached dwelling located in the wider residential area of Meltham where surrounding dwellings are similar in terms of their character, style and design to the application site. The dwelling is constructed from red brick with a hipped tiled roof, and benefits from amenity space to the front and rear.

Description of Proposal

Permission is sought for a Certificate of Lawfulness for the erection of a single storey rear extension and front porch.

The extension would project from the rear elevation of the property by 3 metres and would be a total width of 7 metres with an eaves height of 2.8 metres rising to an overall height of 3.5 metres to the ridge of the lean-to roof.

The porch would have an eaves height of 2.5 metres rising to an overall height of 3 metres to the ridge of the lean-to roof. It would project by 1.3 metres from the northwest facing elevation and have a length of 2.1 metres.

Proposed materials for the rear extension and porch on the proposed plans list the external walling to be constructed with an outer lead of facing brickwork to match that on the existing building.

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

- Meltham Town Council Planning Comments - noted

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, Classes A & D 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:

<u>Single Storey Rear Enlargement</u>

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 the above.*

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 would not exceed 50% of the total area of the curtilage of the 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 rear extension or porch would not exceed the height of 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 height of the eaves would not exceed the height of the eaves of the existing dwellinghouse*

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 extends beyond part of the southeast elevation which does not form the principal elevation of the original dwellinghouse. It does not front a highway.*

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 extension is single storey and does not extend beyond the rear wall of the original dwellinghouse by 3 metres or exceed 4 metres in height.*

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 dwelling is not on article 2(3) land and does not extend beyond the rear wall of the original dwellinghouse by more than 6 metres or exceed 4 metres in height.*

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 extension does not have more than a single storey*

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 extension is within 2 metres of the boundary of the curtilage of the dwellinghouse and the height of the eaves do not exceed 3 metres.*

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**: the extension does not extend beyond a wall forming a side elevation of the original dwellinghouse and does 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 extension does not adjoin an existing enlargement.*

j) 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 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**: none of the above are proposed.*

i) 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**: 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;
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 construction materials are to match the existing dwellinghouse and no upper floor windows in a wall or roof slope forming a side elevation are proposed.*

Porch

Schedule 2, Part 1, Class D of the Order sets out the Permitted Development Rights which relates to 'The erection or construction of a porch outside any external door of a dwellinghouse'.

Development not permitted

D1. Development is not permitted by Class D 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 (change of use) The erection of a porch is not permitted where the house was created under the permitted development rights to change use, set out in Classes G, M, MA N, P, PA, and Q of Part 3 of Schedule 2 to the Order (see page 4).

Comment*: The dwellinghouse has not been granted under the provisions of these specified classes*

(a) the ground area (measured externally) of the structure would exceed 3 square metres

Comment*: The ground area of the frontal porch would not exceed 3 metres.*

(c) any part of the structure would be more than 3 metres above ground level or

Comment*: The proposed porch would be 3 metres exactly in height*.

(d) any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway

Comment*: The host dwelling is situated within the centre of the application site, located a considerable distance away from the highway.*

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

Comment: *not applicable*

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

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application Form			20/11/2023
Location plan	LP 01		20/11/2023
Lawful Development Drawing	2023/046/03		20/11/2023

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: 9th January 2024