

**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/93452/W

Site: 18, Castle Avenue, Newsome, Huddersfield, HD4
6JN

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

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 17-Jan-2024

Officer Report

Site Description

18, Castle Avenue is a three storey mid-terraced property. Exterior construction materials consist of stone with a black slate hipped roof. The property is set in a wider residential area where surrounding development shares similar design and architectural features. The property hosts a medium-sized lawned garden to the rear and a driveway at the front. Boundary treatments consist of low stone walls with mature hedging.

Description of Proposal

Permission is sought for a Certificate of Lawfulness for the erection of a single storey rear extension and a rear dormer. At the time of the site visit, no works had commenced.

The extension would project from the rear elevation of the property by 3 metres and would be a total width of 5.5 metres with an eaves height of 2.3 metres rising to an overall height of 3.3 metres to the ridge of the lean-to roof.

The 'dormer' would be within the rear elevation of the pitched roof. The height of the dormer would be 2.3 metres and the projection would be 3 metres. The dormer would have a flat roof and would not project above the ridge of the host dwelling.

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

This is an application for a Lawful Development Certificate and, for this reason, no consultations are necessary.

Issues and Assessment

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 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 proposed works would not exceed 50% of the total area of the curtilage around the 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 extension would not exceed the height of the existing roof.

- 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 be on the rear wall of the dwellinghouse and 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 extension would be single storey in height and would not project more than 3 metres in length 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 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
 - II. Exceed 4 metres in height

Comment: *the extension would be single storey in height and would not project more than 3 metres in length 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 extension would not have more than a single storey or project beyond the rear wall by more than 3 metres. The extension would not be within 7 metres of the rear boundary.*

- 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 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 would not extend beyond a wall forming a side elevation 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 would not exceed any of the 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 are proposed.

(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: 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 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: *no windows proposed in upper-floor.*

Dormer

The proposal comprises the erection of a rear dormer. Thus, the proposal constitutes the carrying out of building on and over land that would materially affect the external appearance of the existing building. As such, it is regarded as development as defined by section 55 of the Town and Country Planning Act 1990.

The application therefore falls to be considered under the Town and Country Planning (General Permitted Development)(England) Order 2015(as amended), Schedule 2, Part 1 (Development within the curtilage of a dwelling house), Classes B.

Permitted development

Dormer – Class B

B.1 Development is not permitted by Class B 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)

Comment: *permission has not been granted by any of the above.*

- (b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof

Comment: *the height of the dormer would not exceed the ridge of the existing roof.*

- (c) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway

Comment: *the dormer would not extend beyond the plane of a roof that forms the principal elevation or front a highway.*

- (d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than -
 - (i) 40 cubic metres in the case of a terrace house, or
 - (ii) 50 cubic metres in any other case

Comment: *the cubic content of the resulting roof space would be 12 cubic metres over the original and would not therefore exceed 40 cubic metres.*

- (e) it would consist of or include -
 - (i) the construction or provision of a verandah, balcony or raised platform, or
 - (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe

Comment: none of the above are proposed.

- (f) the dwellinghouse is on article 2(3) land

Comment: the dwelling is not on article 2(3) land

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

Comment: not applicable

- (h) the existing dwellinghouse has been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys)

Comment: not applicable

B.2 Development is permitted by Class B subject to the following conditions

- (a) the materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse

Comment: the construction materials are not listed however they should be of a similar appearance to those used in the exterior construction of the existing dwelling.

- (b) the enlargement shall be constructed so that –
 - i. other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension –
 - (aa) the eaves of the original roof are maintained or reinstated; and
 - (bb) the edge of the enlargement closest to the eaves of the original roof shall, so far as practicable, be not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and
 - ii. other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse

Comment: *the dormers would be approximately 0.4 metres from the eaves and would not extend beyond the external wall of the original dwellinghouse.*

- (c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse shall 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

Comment: *no windows are proposed in the roof slope.*

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 roof enlargement benefit from a general planning permission granted by virtue of Article 3(1) and Schedule 2, Part 1, Classes A & B of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) subject to respective conditions within paragraphs A.3 and B.2 of the same Order.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			23/11/23
Proposed plans and elevations	2023-009-(20)002		23/11/23
Existing plans and elevations	2023-009-(20)001		23/11/23

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: 15 January 2024

