

**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/93482/E

Site: 75, Hightown Road, Cleckheaton, BD19 5JP

Description: Certificate of lawfulness for proposed re-roofing,
render to porch and alterations to fenestration

Case Officer: Nicole Helliwell

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.

Emma Thompson

AUTHORISED OFFICER

Date 29-Jan-2024

Officer Report

Reference No. 2023/CLD/93482/E

Site Address: 75, Hightown Road, Cleckheaton, BD19 5JP

Proposal: Certificate of lawfulness for proposed re-roofing, render to porch and alterations to fenestration

Site Description

The application relates to 75 Hightown Road, a two-storey detached property located in Cleckheaton. The dwelling is predominately faced in red brick and with elements of render at first floor level and incorporates a dual pitched roof finished in concrete tiles. The property benefits from a large driveway to the front and gardens to the front and rear. The neighbouring properties are of residential use and comprise bungalows and two storey properties of varying architectural styles.

Description of Development

Permission is sought for a Certificate of Lawfulness for the application of render to the existing porch, the re-roofing of the original dwellinghouse and alterations to fenestration. The application seeks to replace the existing roof tiles with Marley Duo Edgemere tiles in Old English Dark Red. The application form also states that the existing timber faced porch would be replaced with white render. Furthermore, the plans confirm that two windows within the front and side elevations would be removed and fenestration of a new design would be installed within the side elevations of the dwelling.

History of Negotiations/Amendments Received

No amendments were sought or received during the course of the application.

Relevant Planning History

- **2023/93026:** Non material amendment to previous permission 2023/91973 for erection of part single storey/part two storey rear extension with associated alterations. [Planning application details | Kirklees Council](#) – Refused
- **2023/91973:** Erection of part single storey/part two storey rear extension with associated alterations. [Planning application details | Kirklees Council](#) - Conditional Full Permission
- **2022/93229:** Erection of two storey side extension including internal and external alterations following demolition of existing side extension and chimney. [Planning application details | Kirklees Council](#) – Refused
- **2007/93315:** Erection of ground floor extension. [Planning application details | Kirklees Council](#) – Conditional Full Permission

Consultation Response

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

Legislation

The Town and Country Planning Act 1990 Section 55 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Assessment

Applications for Certificates of Lawful Developments for alterations to dwellings are assessed against the general permission conferred by the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).

The proposal comprises the application of render to the existing porch, the re-roofing of the original dwellinghouse and alterations to fenestration. Thus, the proposal constitutes the carrying out of building on and over land that would materially affect the external appearance of the existing building. It is therefore regarded as development 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) Class A (enlargement, improvement or alteration) and Class C (other alterations to the roof of a dwellinghouse).

Development not permitted:

Class A – Application of render and alterations to fenestration

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 use of the dwellinghouse has not been granted by the above applications.*

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: *Not applicable, the proposed alterations are not considered to be an enlargement.*

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 proposed alterations would not exceed the height of the highest part of the 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 proposed alterations 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
- (i) fronts a highway and forms a side elevation of the original dwellinghouse;

Comment: *The proposed alterations are not considered to be an enlargement, therefore, paragraph e is not applicable. Notwithstanding this, if the alteration to the porch is to remove the glazing framework and completely re-build the porch on the same footprint as described there is no evidence to demonstrate the existing porch is not part of the original dwellinghouse and as such the proposed works would not extend beyond the original principal elevation or be considered to enlarge the dwellinghouse.*

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,
- (i) Exceed 4 metres in height;

Comment: *The proposed alterations are not considered to be an enlargement, therefore, paragraph f is not applicable.*

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
- i) Exceed 4 metres in height

Comment: *The proposed alterations are not considered to be an enlargement, therefore, paragraph g is not applicable.*

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
- i) Be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse.

Comment: *The proposed alterations are not considered to be an enlargement, therefore, paragraph h is not applicable.*

- 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 proposed alterations are not considered to be an enlargement, therefore, paragraph i is not applicable.*

- 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
- i. Have more than a single storey, or
- ii. Have a width greater than half the width of the original dwellinghouse

Comment: *The proposed alterations are not considered to be an enlargement, therefore, paragraph j is not applicable.*

- 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 alterations are not considered to be an enlargement, therefore, paragraph ja is not applicable.*

- k) It would consist of or include –

- i. The construction or provision of a verandah, balcony or raised platform
- i. The installation, alteration or replacement of a microwave antenna,
- ii. The installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
- iii. An alteration to any part of the roof of the dwellinghouse

Comment: *The proposed alterations would not include any of the above.*

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

Comment: *Not applicable.*

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: *The property 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;
- a) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be obscurely glazed.

Comment: *The development is subject to the above conditions. The new fenestration within the side elevation of the dwelling would be obscure glazed. Furthermore, the render proposed would be of a similar appearance to that used in the construction of the exterior of the existing dwellinghouse*

Class C – Re-roofing

C. Permitted development

Any other alteration to the roof of a dwellinghouse.

C.1 Development not permitted

Development is not permitted by Class C 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) the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;

Comment: No

- (c) it would result in the highest part of the alteration being higher than the highest part of the original roof;

Comment: No

(d) it would consist of or include—

- (i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
- (ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment[; or

Comment: No

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

Comment: No

Conditions

Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must be—

(a) obscure-glazed; and

(b) 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.

Conclusion

The proposal for the application of render to the existing porch, the re-roofing of the original dwellinghouse and alterations to fenestration at 75 Hightown Road, has been considered against the Town and Country Planning (General Permitted Development - England) Order 2015 (as amended) and is recommended for approval.

Recommendation: Granted

Decision Authorisation - Delegated Powers

Application Number: 2023/93482

Officer Recommendation: Grant certificate

The proposal for the application of render to the existing porch, the re-roofing of the original dwellinghouse and alterations to fenestration would benefit from a general planning permission granted by virtue of Article 3(1) and Schedule 2, Part 1, Classes A and C of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) subject to conditions as stated in paragraphs A.3 and C.2 of the same Order.

Plans and Specifications Schedule:

Plan Type	Reference	Revision	Date Received
Location Plan	-	-	05/12/2023
Proposed Plans	200	C	05/12/2023
Proposed Elevations	201	B	05/12/2023