

**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/93681/E

Site: 59, Bridon Way, Marsh, Cleckheaton, BD19 5DF

Description: Certificate of lawfulness for proposed erection of single storey rear extension with garage conversion and associated alterations

Case Officer: Jennifer Booth

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 06-Feb-2024

Reference:	2023/CLD/93681/E
Applicant: -	M Morgan
Location: -	59, Bridon Way, Marsh, Cleckheaton, BD19 5DF
Proposal: -	Certificate of lawfulness for proposed erection of single storey rear extension



Site Description

59 Bridon Way is a modern, brick built detached dwelling in an “V” shape with an attached garages with an open drive to the front and enclosed garden to the rear.

The property is located on a residential street with properties of a similar age although there are some variances in terms of style.

Application Proposal

The application is for a certificate of lawful proposed development for a single storey rear extension, garage conversion and new window in the side elevation on the ground floor. The onus is on the applicant to provide evidence which states why the proposal fits with the permitted development legislation. In this case, the applicant has stated on the application form that the proposal is permitted development.

The extension would be located to the rear of the house. The extension would project 3.5m from the original rear wall of the property, across the width of the dwelling with an overall height of 3m with a lantern at 3.6 in height above ground level. The rear part of the garage would be converted into utility room. The new window would be located in the south west elevation on the ground floor.

Relevant Planning History

None

Consultations

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: -

The main considerations in the determination of this application are:

1. Whether the proposed development would constitute development as defined section 55 of the Town and Country Planning Act 1990;
1. If so, whether Permitted Development rights apply to the property; and
2. Whether the proposed development falls within permitted development 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 other alteration of a house).

The proposal includes the conversion of the garage which requires no alterations to the scale and would not constitute development. However, the plans also include a single storey extension to the rear and insertion of a new window. 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), Class A (enlargement, improvement or alterations of a house).

Permitted development – Single storey rear extension

- A. The certificate of lawful development for the enlargement of a dwellinghouse consisting of the addition of an additional window and extension to the rear of the house is permitted development subject to complying with the relevant criteria below.

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 for this dwelling was not granted by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use).*
- (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 *As can be seen from the location plan provided by the applicant, the proposed extensions would not take up more than 50% of the area of the curtilage of 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 height of the extensions would not exceed the height of the highest part 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 of the extension would not exceed the height of the eaves of the original dwelling.*
- (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 proposed would be to the rear of the dwelling.*
- (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
(ii) 3 metres in the case of any other dwellinghouse,
(iii) Exceed 4 metres in height;
Comment *The extension is proposed to be constructed to the rear with a projection of 3.5m – which as a detached property meets the relevant criteria.*
- (g) until 30th May 2019, 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;
Comment *The proposal does not fall under this criteria.*
- (h)** The enlarged part of the dwellinghouse would have more than a single storey and—
 (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 opposite the rear wall of the dwellinghouse;
Comment *The extension would be single storey.*
- (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 eaves are proposed to be less than 3m.*
- (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 is proposed to the rear. While the “V” shape of the building may be as such that a side elevation could have been formed it is considered to angle and orientation result in the wall being part of the rear elevation. In the event it is argued otherwise the width of the enlargement is less 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 subparagraphs (e) to (j); *this criteria is not relevant.*
- (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 proposal does not include the construction of a verandah, balcony or raised platform, the installation, alteration or replacement of a microwave antenna, the installation, alteration or replacement of a chimney, flue or soil and vent pipe and an alteration to any part of the roof of the dwellinghouse.*

- (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: The dwellinghouse is located in a conservation area and is proposed to have stone for the walling.

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

(c) 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.

Conclusion

The proposed single storey rear extension, garage conversion and insertion of a window in the south west elevation on the ground floor at 59 Bridon Way does meet the criteria of permitted development as set out in Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 subject to respective conditions as set out in paragraphs A.2 & A.3 of the same Order.

Recommendation: APPROVE certificate

Decision Authorisation - Delegated Powers
Application Number: 2023/93681

Officer Recommendation: GRANT certificate

The proposed single storey rear extension, garage conversion and insertion of a window in the south west elevation on the ground floor at 59 Bridon Way benefit from a general planning permission 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 respective conditions as set out in paragraph A.3 of the same Order.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Application form	-	1022013	13/12/2023
Location plan	-	1022014	13/12/2023
Existing plans	PD01	1022019	13/12/2023
Proposed plans	PD02	1022015	13/12/2023
Supporting statement	-	1022024	13/12/2023

Report Dated 30/01/2024