

**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/93776/W

Site: 4, Pye Road, Lindley, Huddersfield, HD3 3ZX

Description: Certificate of lawfulness for proposed single storey rear extension and loft conversion to form rear dormer

Case Officer: Molly Storer

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-Feb-2024

Officer Report

Site Description

4 Pye Road Lindley, Huddersfield, HD3 3ZX

The application site relates to 4 Pye Road, a two storey semi-detached dwelling in the area of Lindley.

The property was erected around the year 2013 and hosts a detached garage alongside the house. It also hosts a front and rear garden with a patio area with a driveway leading up to the garage. The dwelling is constructed from stone and the roof is made up of grey roof tiles. The property is situated within a new housing estate with properties in the local vicinity being built similar in style and appearance to the application dwelling.

Proposal Description

The application is for a certificate of lawfulness for proposed single storey rear extension and loft conversion to form rear dormer. 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 rear extension would project 2.5m from the original rear elevation to a width of 5m. In terms of height, the extension would be 2.7m to the eaves with a maximum height of 3.75m.

The rear dormer would have a width of 5m and a vertical elevation of 2.6m. It would be set down from the ridgeline by 0.5m and will create 23 cubic metres of extra space in the loft area. An additional window in the gable to serve the loft conversion is also proposed.

History of Negotiations

None.

Relevant Planning History

2011/91519 - Residential development (294 units) and associated works – Full Permission.

Representation

The application is for a certificate of lawfulness and therefore is not advertised.

Consultation Response

No consultation was necessary for the application for a Lawful Development Certificate.

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

Principle of Development

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

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) & Class B (additions etc to the roof of a dwellinghouse).

The proposal comprises of a single storey rear extension and rear roof 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), Class A (enlargement, improvement or alterations of a house) & Class B (additions etc to the roof of a dwellinghouse).

Permitted Development – enlargement, improvement or alterations of a house

- A. The certificate of lawful development for the enlargement of a dwellinghouse consisting of the addition of an 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);

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);

As can be seen from the proposed ground floor 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;

The height of the extension and alteration 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

The height of the eaves of the extension and alteration 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;

The extension is to the rear of the property and does not extend beyond the principal elevation.

- (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;

The extension is proposed does not project 3m past the rear elevation or exceed 4m in height.

- (g) 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;

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;

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;

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;

The extension is proposed to project from the rear of the property and does not project past a rear elevation or front a highway.

- (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);

The original dwellinghouse has not been extended.

- (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

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)

Not applicable

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.

The dwellinghouse is not located in a conservation area.

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;

Materials used in the exterior work of the extension will be to match the existing dwelling.

(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

There is one window proposed to the landing of the upper floor in the side (north facing) elevation this will be non-opening and frosted.

(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.

The rear extension is not more than a single storey.

Permitted Development – Roof Extension and Alteration

- A. The certificate of lawful development for the enlargement of a dwellinghouse consisting of an addition or alterations to its roof which is permitted development subject to complying with the relevant criteria as per Class B.

Development not permitted

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 (changes of use);

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

The proposal does not exceed the height 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;

The proposals would not extend beyond the existing roof slope of the principal elevation, the extension will be on the rear roof plane.

(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;

Total additional roof space 23 cubic meters

(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; or

The above is not relevant.

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

The above is not relevant.

Conditions

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

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

(b) the enlargement must 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 is, so far as practicable, 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; and

(c) any window inserted on 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.

Recommendation: Granted

Conclusion

The rear extension, gable window and rear roof dormer benefit from a general planning permission granted by virtue of Article 3(1) and Schedule 2, Part 1, Class A & Class B of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) subject to conditions as stated within paragraphs A.3 & B.2 of the same Order.

Plans and specifications table: -

Plan Type	Reference	Version	Date Received
Location plan	PP-12692728	1	22/12/2023
Application form	-	-	22/12/2023
Existing grouped plans and elevations	2317-A(00)-01	-	22/12/2023

Proposed grouped plans and elevations	2317-A(10)-01	-	22/12/2023
---------------------------------------	---------------	---	------------