



Lawful Development Certificate Submission
Supporting Statement & Supplementary Documentation

In Respect of:

Driveway, Garage & Summerhouse Erection to the Rear of

9 Netheroyd Hill Road, Huddersfield HD2 2LW

Applicants: Andrew Earnshaw & Nichola Tyman

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1. General Introduction & Objective

This Lawful Development Certificate (“LDC”) is sought in respect of the following works to the side and rear of the property at 9 Netheroyd Hill Road, Huddersfield HD2 2LW:

- Demolition of existing carport and brick garage to the side of the property.
- Installation of a driveway adjacent to the upper boundary.
- Erection of a single storey garage/workshop/summerhouse to the rear of the property.

All works listed above will be conducted under the provisions of and to the requirements detailed in the Town and Country Planning (General Permitted Development) (England) Order 2015 and further in accordance with the technical guidance document ‘Permitted Development Rights for Householders’ dated September 2019. As such it is not believed that formal planning permission will be required.

However, in order to ensure there is no ambiguity or complications when works commence and to ensure any activities performed at the property do not breach existing planning consents a Lawful Development Certificate is therefore being sought.

I feel it is important to engage with Kirklees planning at all stages of this project, most importantly before any works commence and during the build, to ensure that at all times any activity is performed within the bounds of the relevant legislation and to Kirklees planning’s satisfaction.

The physical context of the site has also been thoroughly assessed and the design wholly responds to this analysis. The effect of the proposed garage has been carefully considered in physical terms with the intention that the proposals as a whole positively influence the characteristics & aesthetic of the existing property on the site.

2. Previous Engagement with Kirklees Council

As a precursor to the LDC application, preplanning advice was sought in May 2023, with a response received in July, ref: 2023/20683 from Lucy Taylor/ Mathias Franklin. The basis of the advice sought fell under 3 main categories, summarised below:

- Clarification of the garden wall act and whether an agreement with my neighbour was required to demolish a wall in disrepair and replace with a fence.
- Confirmation that the proposed garage/summerhouse complies with the provisions of part E. i.e. that the outbuilding will be constructed within the curtilage of the property and be used for purposed incidental to the enjoyment of the house (repair of owners own vehicles and leisure use)

- The proposed size of the garage/ summerhouse complies with the provisions of part E and that there is no maximum size permitted.

Whilst the response was comprehensive and provided useful advice and reference to planning law, it did not provide a definitive response to all of the questions posed. The summary response was:

- It should be acceptable to demolish the existing boundary wall and replace with a fence of less than or equal to 2m in height.
- The height of the proposed garage/summerhouse was not provided in the planning advice (an oversight on my part) and as such the advice could not confirm if the outbuilding would comply with the provisions of part E of the permitted development order (reference was made to a previous application made before our ownership of the property(ref 2017/92669) where planning was sought for a 2 storey dwelling at the rear of the property and the subsequent reasons for its refusal) For the avoidance of doubt and as per the plan drawings provided within Section 5, the garage will be constructed to a maximum of 2,950mm with a flat roof in accordance with the provisions of part E.
- Again, given the omission of the height of the garage/ summerhouse, concerns were raised as to the scale and intent of the proposed outbuilding. This Lawful Development Certificate seeks to clarify the size, height and usage of the proposed outbuilding and its compliance with the Permitted Development Order.

Given the above the suggestion to apply for a lawful development certificate is now being undertaken.

3. Deficiencies of Existing Garage/ Carport

The original construction date of the garage is unknown, but it is evident in the 1975 plan of the property, so is at least 48- 50 years old. It is of single skin brick construction with an asbestos pitched roof (which leaks). The walls show evidence of damp ingress and the roof trusses (Iron) show evidence of excessive corrosion.

The carport is built on the existing stone walls of the driveway in timber and plywood with a fibreglass ridged roof. Again the carport shows signs of excessive wear, with a leaking roof and rot in the supporting timbers.

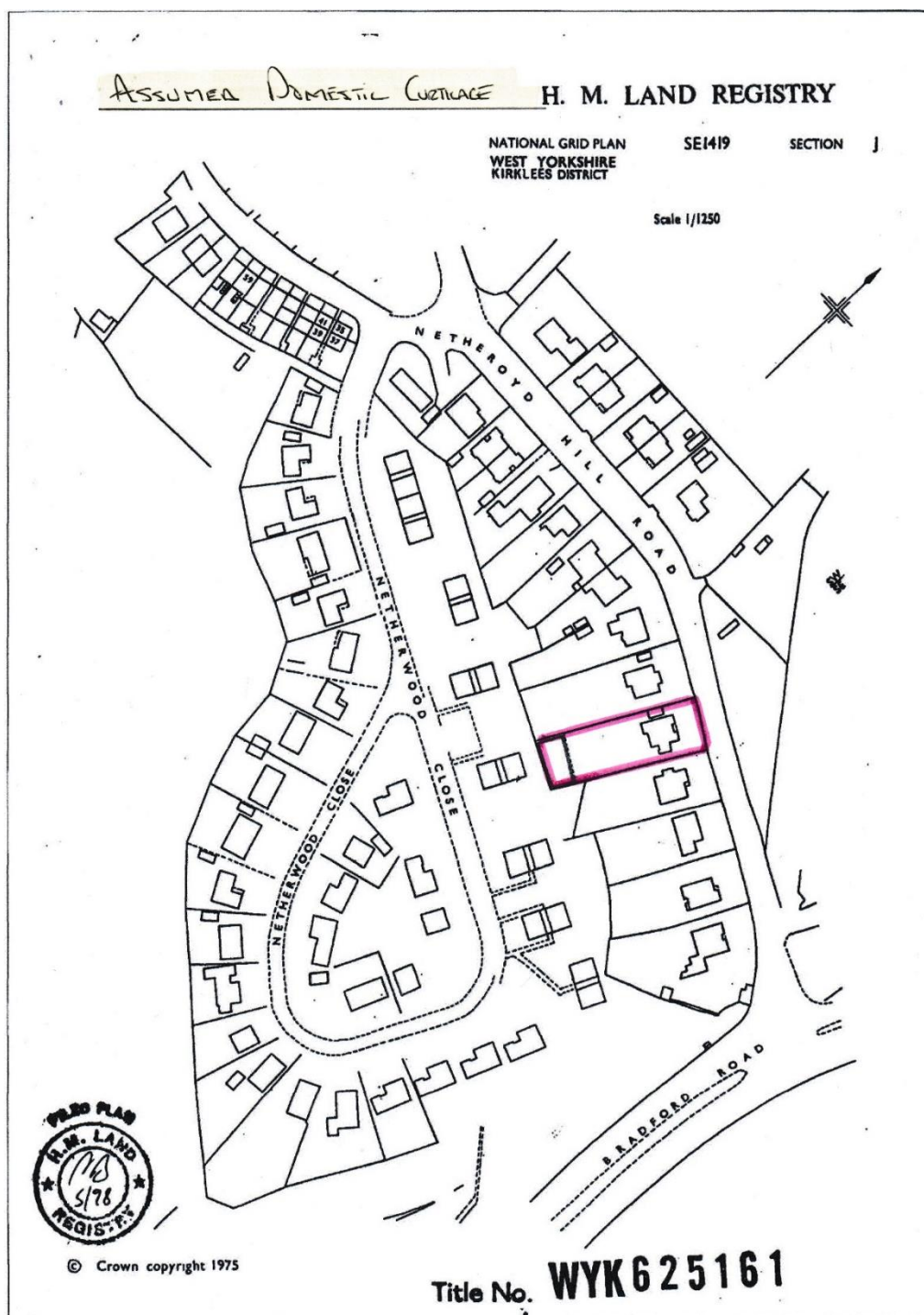
The two outbuildings are therefore in a state of disrepair and to remediate to a level that would suit the purposes of the owners would be cost prohibitive and uneconomical. As such it is felt that the best course of action would be demolition and a new garage to be erected on the generous plot to the rear of the property.

4. Site Plan & Location

Location: 9 Netheroyd Hill Road HD2 2LW.

9 Netheroyd is a detached bungalow (with living accommodation in the roof) set in spacious grounds. It is faced in white render and stone, with red tiles on the double pitched roof. It is on a ground level notably higher than Netheroyd Hill Road, which it faces onto. It has a driveway and detached garage to the front elevation, facilitating on-site parking amenity space, and a long rear garden.

The neighbouring dwellings fronting onto Netheroyd Hill Road are similar in form, principally being bungalows with long rear gardens giving an attractive verdant character. To the rear of the site are several apartment buildings with surrounding garden spaces, accessed from Netherwood Close.





5. Existing Garage/ Carport (To Be Demolished)

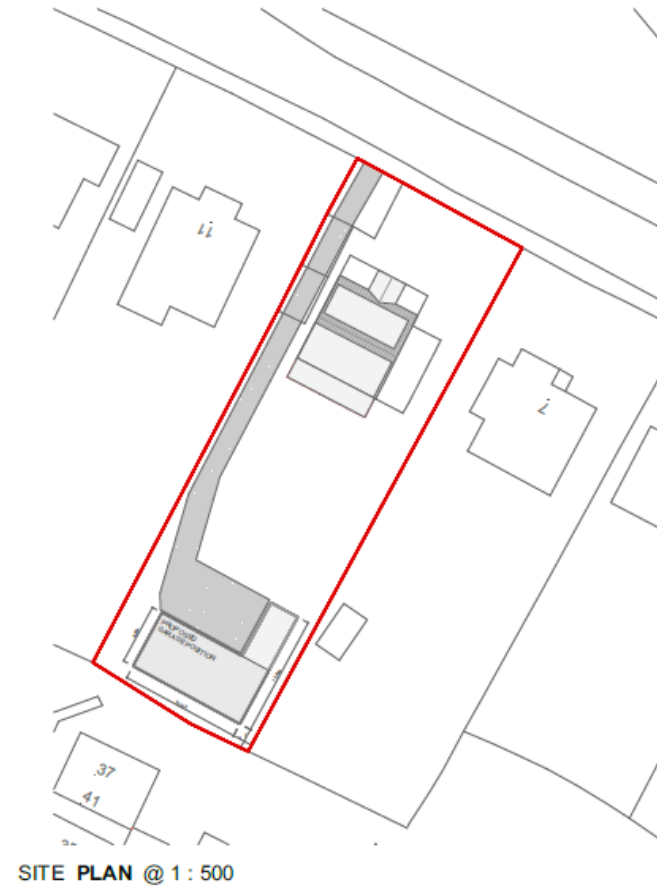
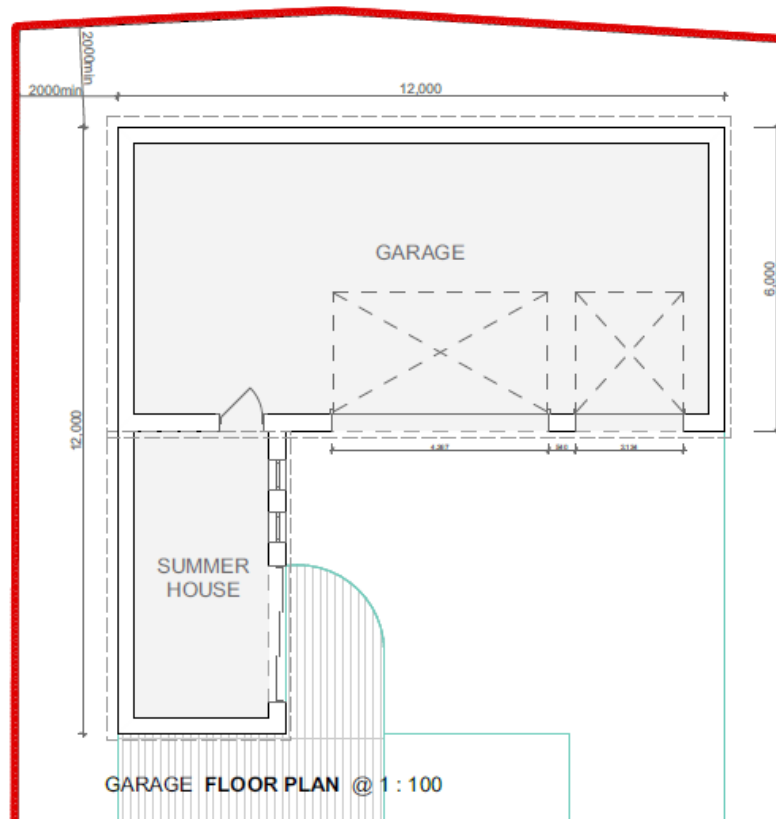




6. Upper Garden Plot & Proposed Location of Garage/Summerhouse



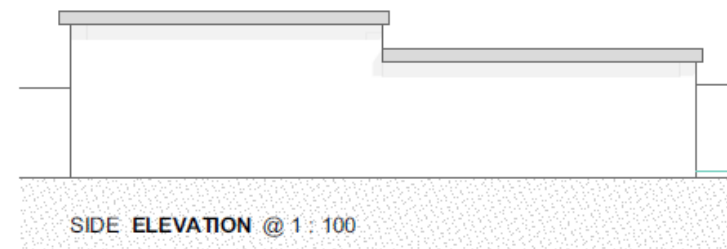
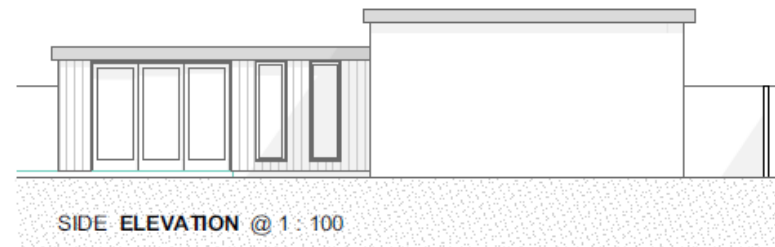
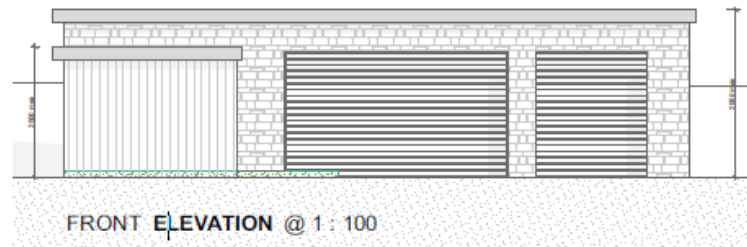
7. Detailed Proposal (high resolution plans attached as part of the LDC submission)



T2160_06 > PROPOSED - GARAGE BUILD - PLANS+ELEVATIONS

CLIENT: TYMAN-N PROJECT: NETHEROYD HILL ROAD, Fixby SCALE: AS STATED @ A3 DATE: 17/11/2023 REVISION: PLANNING





T2160_07 > PROPOSED - GARAGE BUILD - PLANS+ELEVATIONS

CLIENT: TYMAN-N PROJECT: NETHEROYD HILL ROAD, Fixby SCALE: AS STATED @ A3 DATE: 17/11/2023 REVISION: PLANNING





As per the previous plan drawings and renders the works are split into 2 distinct activities:

Demolition of Existing Garage/Carport and Installation of Driveway

Existing garage and carport shall be demolished, with the Asbestos roof of the garage removed and disposed of in line with current best practice and regulations on the disposal of white asbestos (tests have been conducted to identify the material in question). Existing retaining walls will be kept between the garage, property and adjacent property at 11 Netheroyd Hill Road in order to minimise disruption to the existing land. The current slope of the driveway shall continue at the same inclination until the level of the garden at the rear of the property is reached.

For the avoidance of doubt, given the size of the garage, at circa 40 cubic metres, demolition will be performed under Part 11, Class B – Demolition of buildings, with prior notification provided to Kirklees, observing the 28 day rule.

Given the construction of the car port it has been deemed a temporary structure and therefore does not require consideration prior to demolition.

Where a green garden shed currently resides behind the garage (see images in section 5), remedial works will be undertaken to an existing single skin brick retaining wall which is showing signs of deflection or 'heave'. Given the location of the retaining wall, i.e. less than 6m at a 45degree slope from the foundations of the neighbouring property at 11 Netheroyd Hill Road, a Garden Wall Agreement shall be obtained prior to commencement of the works with a surveyor employed to design the retaining wall required.

As the driveway continues up the property in the direction of the top of the plot, where required, gabion cages using the '2:1' rule (see Appendix 1) shall be used to retain the higher levels of land close to the boundary of 11 Netheroyd Hill Road and to construct a 2.5m wide driveway.

The driveway shall be constructed using porous substrates where possible in accordance with Part 1, Class F – hard surfacing. Where a porous material is not used, provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling house.

Erection of new Garage/ Summerhouse

The garage/summerhouse shall be located as per the plans at section 8 and shall be constructed using traditional concrete foundations with a concrete block construction and white render finish, and utilising a flat felt roof in black/ dark grey. The summer house shall also be constructed using concrete foundations and concrete block construction/ white render finish with a flat felt roof in black/ dark grey but shall also be clad with cedar wood or comparable materials to the front and side elevations and a flat felt roof in black/ dark grey. Dark frame bi-fold or sliding windows shall also be fitted to the side elevation.

240v AC mains electricity, mains water and 100mm drainage connected to the existing dwelling house system shall be fitted.

For the avoidance of doubt, the garage/ summerhouse shall be constructed at no more 2,950mm in height as a single story building and its footprint shall be considerably less than 50% of the permitted development area available to the rear of the curtilage. In addition, other than the bi-fold/ sliding glass window/s in the summerhouse and the garage doors, there shall be no other fenestration in the garage or summerhouse on any other elevation.

8. Proposed Use; Garage/ Summerhouse

Both the garage and summerhouse shall be built for purposes incidental to the enjoyment of the dwelling house within the curtilage of the property, in line with the provisions of part E. However, it should be noted that the applicant Andrew Earnshaw is a keen amateur mechanic and vehicle restorer. As such, the garage shall be used on a regular basis for the repair/ restoration of the applicants own personal vehicles or on occasion the vehicles of family or close friends on a free of charge basis.

For the avoidance of doubt, no commercial activities shall take place at the property whatsoever and the intended activities shall not constitute a change of use of the property to a commercial premises