



Application Number	
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KIRKLEES COUNCIL VALIDATION CHECKLIST	SUPPLY 1 COPY ONLY

Planning - PO Box 1720, Huddersfield, HD1 9EL
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Application for a Lawful Development Certificate for a Proposed Use or Development

Town and Country Planning Act 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number

Suffix

Property Name

Address Line 1

Address Line 2

Address Line 3

Town/city

Postcode

Description of site location must be completed if postcode is not known:

Easting (x) Northing (y)

Description

Applicant Details

Name/Company

Title

Mr

First name

Andrew

Surname

Earnshaw

Company Name

9 Netheroyd Hill Road

Address

Address line 1

9 Netheroyd Hill Road

Address line 2

Address line 3

Town/City

Huddersfield

County

Country

United Kingdom

Postcode

HD2 2LW

Are you an agent acting on behalf of the applicant?

☐ Yes

☒ No

Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

***** REDACTED *****

Description of Proposal

Does the proposal consist of, or include, the carrying out of building or other operations?

☒ Yes

☐ No

If Yes, please give detailed description of all such operations (includes the need to describe any proposal to alter or create a new access, layout any new street, construct any associated hard-standings, means of enclosure or means of draining the land/buildings) and indicate on your plans (in the case of a proposed building the plan should indicate the precise siting and exact dimensions)

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.

Demolition of Existing Garage/Carport & 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.

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.

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.

Does the proposal consist of, or include, a change of use of the land or building(s)?

☐ Yes

☒ No

Has the proposal been started?

- ☐ Yes
☒ No

Grounds for Application

Information about the existing use(s)

Please explain why you consider the existing or last use of the land is lawful, or why you consider that any existing buildings, which it is proposed to alter or extend are lawful

Application is being made to confirm through LDC that the proposed works, i.e. demolition of existing garage, installation of hard surface driveway and erection of garage/ summerhouse fall within the provisions of permitted development. No change of use is being sought, other than the clarification that the garage be used for the repair/ restoration of the applicants own vehicles or on occasion the repair of close family and friends vehicles on a free of charge basis. For the avoidance of doubt, no commercial activity shall be undertaken at the premises and no change of use to business premises is being sought.

Please list the supporting documentary evidence (such as a planning permission) which accompanies this application

Additional supporting information document providing:

1. General Introduction and Objectives
2. Previous Engagement With Kirklees Council
3. Deficiencies of Existing Garage/Carport
4. Site Plan & Location
5. Existing Garage/Carport Photos
6. Upper Garden Plot & Proposed Location of Garage/Summerhouse
7. Detailed Proposal
8. Proposed Use

Detailed plan drawings of the site and proposed works
plan drawing of the garage/ summerhouse
artists rendering of the proposed garage/ summerhouse

Select the use class that relates to the existing or last use.

C3 - Dwellinghouses

Information about the proposed use(s)

Select the use class that relates to the proposed use.

C3 - Dwellinghouses

Is the proposed operation or use

- ☒ Permanent
☐ Temporary

Why do you consider that a Lawful Development Certificate should be granted for this proposal?

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.

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

☒ Yes

☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

☐ The agent

☒ The applicant

☐ Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

☒ Yes

☐ No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title

***** REDACTED *****

First Name

***** REDACTED *****

Surname

***** REDACTED *****

Reference

2023/20683

Date (must be pre-application submission)

15/05/2023

Details of the pre-application advice received

As a precursor to the LDC application, pre-planning 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.

Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

- ☐ Yes
☒ No

Interest in the Land

Please state the applicant's interest in the land

- ☒ Owner
☐ Lessee
☐ Occupier
☐ Other

Declaration

I/We hereby apply for Lawful development: Proposed use as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.
I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.
I/We also accept that, in accordance with the Planning Portal's terms and conditions:
- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

☒ I / We agree to the outlined declaration

Signed

Andrew Earnshaw

Date

10/01/2024