

**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.: 2024/CL/90204/E

Site: 15, Bywell Road, Dewsbury, WF12 7JT

Description: Certificate of lawfulness for proposed erection of  
single storey extension

Case Officer: Morgan Braithwaite

**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 05-Apr-2024**

## **Officer Report**

### Site Description

15, Bywell Road, Dewsbury, WF12 7JT, is a two-story semi-detached dwelling. The property benefits from a driveway, single detached garage, a small amenity space to the front of the property with a larger amenity space to the rear. The property is constructed from brick, with stone to the front elevation.

The properties on the street scene are uniform in scale and design, along with being constructed of a similar material palette. The area is predominantly residential in nature, with amenities within walking distance.

### Description of Proposal

Permission is sought for a Certificate of Lawfulness for the erection of a single storey extension to the rear of the property. The plans indicate the existing extension will be replaced by the proposed extension.

The extension would project from the rear elevation of the property by 2.9 metres and would be a total width of 5.8 metres with an eaves height of 2.4 metres rising to an overall height of 3.9 metres to the ridge of the lean-to roof.

The proposed materials shall match that of the existing dwelling.

The property has not had its Permitted Development Rights removed.

### History of negotiations/amendments received

Amended plans were requested and resubmitted. The amended plans submitted are to scale and clearly indicate the proposal.

### Relevant Planning History

No history

### Consultation Responses

None required

### Issues and Assessment

Applications for Certificates of Lawful Developments for the erection of extensions to dwellings are assessed against the general permission conferred

by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Schedule 2, Part 1, Class A of the Order sets out the Permitted Development Rights which relates to the 'enlargement, improvement or other alteration to a dwellinghouse'. In assessing the proposal against this:

### **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).*

- a) 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 a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse would not exceed 50% of the total area of the curtilage.*

- b) 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 proposal would be single storey in scale and therefore would not exceed the highest part of the roof of the existing dwellinghouse.*

- c) 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 proposal would be single storey in scale and therefore the eaves would not exceed the height of the eaves of the existing dwellinghouse.*

- d) 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 enlarged part of the dwellinghouse would not extend beyond a wall which forms the principal elevation, fronts a highway or forms a side elevation of the original dwellinghouse.*

e) 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 dwelling, or
- I. 3 metres in the case of any other dwellinghouse.
- II. Exceed 4 metres in height;

**Comment:** *the enlarged part of the dwellinghouse would be single storey and would extend 2.9m from the rear elevation of the original dwellinghouse and would reach a maximum height of 3.9m.*

f) Until 30<sup>th</sup> May 2019, 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 story 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 enlarged part of the dwellinghouse would be single storey and would extend 2.9m from the rear elevation of the original dwellinghouse and would reach a maximum height of 3.9m.*

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

**Comment:** *the enlarged part of the dwellinghouse would not be more than a single storey, extend beyond the rear wall by more than 3 metres and would be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse.*

h) 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 enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, the height of the eaves would not exceed 3 metres.*

i) The enlarged part of the dwellinghouse would extend beyond 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 Council's historical imagery from 1955 indicates a small rearward projection on the north west corner of the property. However the 1933 image does not show this projection although the 1955 image indicates all the properties had a similar projection indicating it may have been an original feature despite the 1933 image. Notwithstanding this, the projection is small in scale measuring 1.5m by 1m in width with a height of approximately 1.5m when estimating imagery on properties that seem to have retained this projection. In these circumstances there is doubt the feature was original although if it was, the scale is limited to the degree it is not considered to be part of the original dwellinghouse but rather an adjunct to it and does not therefore consist of a side elevation of the original dwellinghouse. Consequently, the enlarged part of the dwellinghouse would not extend beyond a wall forming the side elevation of the original dwellinghouse, would not exceed 4 metres in height, would be single storey in scale and would not have a width greater 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 sub-paragraphs (e) to (j)

**Comment:** *the total enlargement does not adjoin and existing enlargement of the dwellinghouse.*

- j) It would consist of or include –
  - i. The construction or provision of a veranda, 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 would not include the construction or provision of a veranda, balcony, or raised platform. Nor would it see the installation or replacement of a microwave antenna, chimney, flue or soil and vent pipe.*

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;

- 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 dwelling would not include the cladding of any part of the exterior, would not extend beyond a wall forming a side elevation of the original dwellinghouse, and would not be more than a single storey, nor extend beyond the rear wall of the existing dwellinghouse.*

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—
  - I. obscure-glazed, and
  - I. 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
  - II. 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.

**Comment:** *the materials used shall match that of the existing dwelling. As the proposal is single storey, it does not require obscure-glazed windows. The proposal shall not be more than a single storey.*

Conclusion:

The proposal has been considered against the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and is recommended for approval.

The single storey rear extension benefits from a general planning permission granted 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 conditions as stated within paragraph A.3 of the same Order.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Proposed Floor Plans – Floor Plan	1026697		22.03.2024
Location Plan	1026696		25.01.2024

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Email confirming heights	21.03.24 (10:59am)	-	21.03.2024

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The Case Officer clarifies the external dimensions of the proposed extension.

**Dated:** 22.03.2024