

**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/90666/W

Site: 3, Wall Nook Lane, Cumberworth, Huddersfield, HD8  
8YB

Description: Certificate of lawfulness for proposed alterations to  
existing dwelling

Case Officer: Charlotte Dixon

**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 01-May-2024**

### **Site Description**

3, Wall Nook Lane is a two-storey semi-detached dwelling comprised of stone. The property used to be a part of a terrace, however, has been converted to form a pair of semi-detached dwellings. The dwelling has an attached garage as well as private parking to the east of the site.

The dwellings that form the street scene are somewhat uniform in appearance and scale and are constructed of a similar material palette.

### **Application Proposal**

The application is for a certificate of lawfulness for proposed alterations to existing dwelling, including modifications to existing openings and replacement of timber windows with uPVC. The proposed alterations to the dwellings would largely be internal and the modification to windows and openings are external.

The property has not had its Permitted Development Rights removed.

### **History of negotiations/amendments received**

No negotiations have taken place and no amended plans received.

### **Relevant Planning History**

No relevant planning history.

### **Consultations**

This is an application for a Lawful Development Certificate and, for this reason, no consultations are necessary.

### **Law**

The site has no policy based constraints in respect of Permitted Development. As such, the application falls to be considered under the relevant legislation as follows:-

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 and the Town and Country Planning (General Permitted Development) Order 2015;
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).

The proposal comprises internal alterations to form a master bedroom, en-suite, dressing room and office on the first floor and alterations to the flooring and addition of a new staircase on the ground floor. Additionally, it is proposed that the existing porch is divided to form a utility, which would result in the existing entrance door being replaced with a window and the existing porch window being made into the new main entrance. The timber windows are to be replaced by uPVC windows with the new first-floor en-suite and existing bathroom are to be altered so they are satin finish obscure glazing.

Section 55 of the Town and Country Planning Act 1990 states that *“the following operations or uses of land shall not be taken for the purposes of this Act, to involve development of the land-*

*(a)the carrying out for the maintenance, improvement or other alteration of any building of works which—*

*(i)affect only the interior of the building, or*

*(ii)do not materially affect the external appearance of the building,*

*and are not works for making good war damage or works begun after 5th December 1968 for the alteration of a building by providing additional space in it underground;”*

The proposed internal alterations to the dwellings are to affect only the interior of the building and the alterations to the existing openings do not materially affect the external appearance of the building. As such, the proposal is not regarded as being development as defined by Section 55 of the Town and Country Planning Act 1990.

The external alterations to openings and windows to composite doors and uPVC windows are likely to affect the appearance of the building to the degree the change in materials is likely to materially affect the character of the property. Permitted development rights under Class A may then apply.

Class A of Part 1 permits the enlargement, improvement or other alteration of a dwellinghouse subject to relevant limitations. Sub-paragraphs (a) – (d) and (k) are relevant to alterations whereas other paragraphs are only relevant to enlargements of the dwellinghouse. In this instance, the dwellinghouse was not

granted under any class of Part 3, the heights of eaves and ridge are not altered and the development does not consist of any description of works in paragraph (k). Subject to materials matching the existing materials in appearance, the proposed external alterations benefit from permission granted under the provisions of the GPDO.

### **Conclusion**

The proposed internal alterations as shown on plan 229-24-PL02 Rev C are not development as defined under Section 55 of The Town and Country Planning Act 1990 and the proposed external alterations to windows and door openings benefit 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 in paragraph A.3 of the same Order.

### **Recommendation:**

### **Decision Authorisation - Delegated Powers**

**Application Number:** 2024/90666

**Officer Recommendation:** Approve certificate

The proposed internal alterations as shown on plan 229-24-PL02 Rev C are not development as defined under Section 55 of The Town and Country Planning Act 1990 and the proposed external alterations to windows and door openings benefit 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 in paragraph A.3 of the same Order.

Plans and specifications schedule:

| <b>Plan Type</b>                                 | <b>Reference</b> | <b>Version</b> | <b>Date Received</b> |
|--------------------------------------------------|------------------|----------------|----------------------|
| Location plan                                    | 229-24-BR04      | A              | 06/03/2024           |
| Existing Plans, elevations and Site layout       | 229-24-PL01      | A              | 06/03/2024           |
| Proposed floor plans, elevations and site layout | 229-24-PL02      | C              | 06/03/2024           |

**Report Dated:** 01/05/2024