

**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/90777/E

Site: 107, Amberwood Chase, Shaw Cross, Dewsbury,
WF12 7NZ

Description: Certificate of lawfulness for proposed erection of
single storey side 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 08-May-2024

Officer Report

Site Description

107, Amberwood Chase, Shaw Cross, Dewsbury, WF12 7NZ, is a two-storey detached dwelling constructed from stone. The property benefits from a driveway to the front of the property as well as a amenity space to the rear.

The dwellings that form the street scene are somewhat uniform in appearance, scale, and material palette. The street is part of a new development which has local amenities within close proximity of the site.

Description of Proposal

Permission is sought for a Certificate of Lawfulness for the erection of a single storey extension to the side of the property.

The extension would project from the side elevation of the property by 1.4 metres at the narrowest point and 2.1 metres at the widest. The proposal would have a total width of 4.1 metres with an eaves height of 2.6 metres rising to an overall height of 3.7 metres to the ridge of the lean-to roof.

The submitted plans also indicate the removal of the existing garage door and replacement with windows to match existing.

No details have been submitted with regards to construction materials.

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

2005/93471: Formation of grass football/general sports pitch and 3 no. multi sports artificial pitches, erection of floodlighting, associated parking and change of use of land to nature park. Conditional Full Permission.

2014/90780: Erection of 206 dwellings, formation of community and sports facilities comprising floodlit practice rugby pitch, 2 floodlit multi use games areas, public open space, footways/cycleways, car parking and associated landscaping. Section 106 Full Permission

2014/93527:

Discharge conditions 1-39 on previous permission 2014/90780 for erection of 206 dwellings, formation of community and sports facilities comprising floodlit

practice rugby pitch, 2 floodlit multi use games areas, public open space, footways/cycleways, car parking and associated landscaping. Discharge of condition(s) split decision.

2015/90201: Variation condition 3 (plans) on previous permission 2014/90780 for erection of 206 dwellings, formation of community and sports facilities comprising floodlit practice rugby pitch, 2 floodlit multi use games areas, public open space, footways/cycleways, car parking and associated landscaping for phase 1 of the development (64 dwellings). SRMC -Section 106 removal/modification of condition(s).

2015/92153: Discharge Condition 28 (off site signal works) on previous permission 2014/90780 for erection of 206 dwellings, formation of community and sports facilities comprising floodlit practice rugby pitch, 2 floodlit multi use games areas, public open space, footways/cycleways, car parking and associated landscaping. Discharge of condition(s) approved.

2015/92998:

Variation of condition 3 (approved plans and specifications) on previous permission 2014/90780 for erection of 206 dwellings, formation of community and sports facilities comprising floodlit practice rugby pitch, 2 floodlit multi use games areas, public open space, footways/cycleways, car parking and associated landscaping.

2016/93929:

Discharge of condition 30 (Travel Plan) on previous permission 2014/90780 for erection of 206 dwellings, formation of community and sports facilities comprising floodlit practice rugby pitch, 2 floodlit multi use games areas, public open space, footways/cycleways, car parking and associated landscaping. Discharge of condition(s) approved.

2020/93235:

Partial variation of condition 40 on previous permission 2015/90201 for erection of 206 dwellings, formation of community and sports facilities comprising floodlit practice rugby pitch, 2 floodlit multi use games areas, public open space, footways/cycleways, car parking and associated landscaping for phase 1 of the development (64 dwellings). Withdrawn - invalid

2020/93471: Discharge condition 40 on previous permission 2015/90201 for variation condition 3 (plans) on previous permission 2014/90780 for erection of 206 dwellings, formation of community and sports facilities comprising floodlit practice rugby pitch, 2 floodlit multi use games areas, public open space, footways/cycleways, car parking and associated landscaping for phase 1 of the development (64 dwellings). Discharge of condition(s) approved.

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 to use the dwellinghouse has not been granted only 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 the buildings within the curtilage 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 height of the part of the dwellinghouse enlarged, improved, or altered would not exceed the height of the highest part of the roof. This is due to the proposal being single storey in scale.*

- 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 height of the eaves of the dwellinghouse enlarged, improved, or altered would not exceed the height of the eaves of the existing dwellinghouse. This is due to the proposal being single storey in scale.*

- 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 part of the principal elevation of the original dwellinghouse. The proposal would front a highway, as well as forming part of the 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, would not extend from the rear of the original dwelling by more than 4 metres, nor would it exceed 4 metres in height.*

- f) Until 30th 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 meters in the case of a detached dwellinghouse, or 6 meter in the case of any other dwellinghouse, or
 - I. Exceed 4 meters in height

Comment: *the enlarged part of the dwellinghouse would be single storey, would not extend from the rear of the original dwelling by more than 4 metres, nor would it exceed 4 metres in height.*

- 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 be single storey.*

- 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, and 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 meters 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 enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, although it would not exceed 4 metres in height, be more than a single storey or 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: *any total enlargement would not exceed the limits set out in sub-paragraphs (e) to (j).*

- 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 consist of or include the construction or provision of a veranda, balcony, or raised platform. Nor would it include the installation, alteration, or replacement of a microwave antenna, chimney, flue, or soil and vent pipe.*

A.1 Development is not permitted by Class A if –

- k) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

Comment: *N/a*

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 proposal would not 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. The proposal would not extend beyond a wall forming the side elevation of the original dwellinghouse. The proposal would be single storey in scale and would not extend beyond the rear wall of the original 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 in the exterior work must match that of the existing dwelling. There shall be no upper floor windows due to the proposal being single storey in scale.*

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 and alterations to garage door as shown on plans listed below 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: -

Plan Type	Reference	Version	Date Received
Location plan – 001 – Location Plan – 107 Amberwood Chase	1033371		14.03.2024
Grouped Plans and Elevations – 002 – Existing and Proposed Site Plan – 107 Amberwood Chase	1033370		14.03.2024
Grouped Plans and Elevations – 003 – Rev B – Existing and Proposed Floor Plans and Elevations	1033369		14.03.2024

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 did not enter into negotiations or request amended plans for the proposed development as it was considered that the application was considered acceptable in its submitted form.

Dated: 07.05.2024

