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/90886/W

Site: 51, Celandine Avenue, Salendine Nook, Huddersfield, HD3 3US

Description: Certificate of lawfulness for proposed demolition of existing garage and erection of single storey side extension

Case Officer**:** Jessica Irwin

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 13-May-2024

Officer Report

Site Description

51 Celandine Avenue is a semi-detached two storey dwelling. The dwelling is of brick and render construction with a concrete tiled gabled roof. The dwelling benefits from a driveway to the front and side with a large amenity space to the rear. A detached garage is also located the rear of the dwelling. The application site is located within a predominantly residential area.

Description of Proposal

Permission is sought for a Certificate of Lawfulness for the demolition of the existing garage to the rear of the dwelling and 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 2.3 metres at its widest point and would be a total length of 10.3 metres with an eaves height of 2.5 metres rising to an overall height of 3.6 metres to the ridge.
The side extension would project 2.9 metres from the rear of the property with a width of 2.3 metres.
The external walls will be constructed with brick to match the host dwelling, alongside concrete interlocking tiles for the roof to match existing.
The property has not had its Permitted Development Rights removed.

History of negotiations/amendments received

No history of negotiations or amendments.

Relevant Planning History

None available.

Consultation Responses

None required.

Issues and Assessment

The demolition of buildings are defined as building operations by virtue of section 55 (1A)(b) of the Town and Country Planning Act 1990 and thus development as defined by section 55(1). However, the Secretary of State by way of direction under section 55(2)(g) has provided that the demolition of building under 50 cubic metres in volume should not be regarded as development for the purposes of the Act. Consequently, the proposed demolition of the existing garage, as measured via the existing plans at approximately 37.42 cubic metres, would not be regarded as development by virtue of the Town and Country Planning (Demolition - Description of Buildings) Direction 2021.
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 has not been granted by any of the above.*

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:** the total area of ground covered by buildings 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 highest part of the dwellinghouse enlarged 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 height of 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 of the original dwellinghouse or fronts a highway.*

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 extension would not extend beyond the rear wall of the original dwellinghouse by more than 3 metres or exceed 4 metres in height.*

f) 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 dwelling is not on article 2(3) land.*

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 extension would not have more than a single storey or be within 7 metres of the 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 extension would be within 2 metres of the side boundary of the curtilage of the dwellinghouse, however the height of the eaves would not exceed 3 metres.*

i) The enlarged part of the dwellinghouse would extend beyond a 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 extension would extend beyond a wall forming a side elevation of the original dwellinghouse but would not exceed 4 metres in height, have more than a single storey, or 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 extension would not exceed the parameters above.*

j) It would consist of or include –
   i. The construction or provision of a verandah, balcony or raised platform
   ii. The installation, alteration or replacement of a microwave antenna,
   iii. The installation, alteration of 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 extension would not result in any of the above.*

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 is not on article 2(3) land.*

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 listed construction materials would be brick to match the existing host property with single lap flat profile concrete interlocking tiles to match existing (colour – dark grey). As the extension would be single storey in height, there shall be no upper-floor windows.*

<u>Conclusion:</u>

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 demolition of the existing garage is not regarded as development and the erection of single storey side 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
Application form			26/03/24
GA as Existing	24017D-01-P01		26/03/24
GA as Proposed	24017D-02-P01		26/03/24

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.

Dated: 10 May 2024