

**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/90982/E

Site: Ashlar House, 27, Balk Lane, Upper Cumberworth,
Huddersfield, HD8 8NZ

Description: Certificate of lawfulness for proposed installation of
solar panels (within a Conservation Area)

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 12-Aug-2024

Officer Report

Site Description

Ashlar House, 27, Balk Lane, Upper Cumberworth, Huddersfield, HD8 8NZ is a two-storey detached dwelling constructed from stone. The property benefits from a large parking area to the front of the dwelling, with amenity space to the sides and rear.

The dwellings that form the street scene are somewhat similar in scale, appearance and material palette. The area is predominantly residential with a Church, public house, school and village shop in close proximity.

Description of Proposal

The application is for a Certificate of Lawful Proposed Development for the installation of solar panels (within a Conservation Area) to the rear of the dwelling. The onus is on the applicant to provide evidence which states why the proposal fits with the permitted development legislation. In this case, the applicant has stated on the application form that the proposal is permitted development.

Solar panels are proposed on the rear (west) elevation which would have a length of 5m and a width of 5.3m. Information has been provided by the applicant stating that roof tiles shall be removed where necessary in order to allow the solar panels to sit flush with the roof plane.

History of negotiations/amendments received

No negotiations have taken place and no amended plans received.

Relevant Planning History

99/92813: erection of conservatory (within a conservation area). Conditional full permission.

2014/91864: erection of single storey extension (within a conservation area). Conditional full permission.

2016/90384: erection of extension to detached double garage. Conditional full permission.

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 1a, Class A of the Order sets out the Permitted Development Rights which relates to the 'installation or alteration etc of solar equipment on domestic premises.' In assessing the proposal against this:

Permitted Development

Part 14 – Renewable Energy

Class A – installation or alteration etc of solar equipment on domestic premises

Permitted Development

- A. The installation, alteration or replacement of microgeneration solar PV or solar thermal equipment on –
- (a) A dwellinghouse or a block of flats; or
 - (b) A building situated within the curtilage of a dwellinghouse or block of flats

Comment: *The proposed development would see the installation of solar PV or solar thermal equipment to a dwellinghouse*

Development not Permitted

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

- (a) the solar PV or solar thermal equipment would protrude more than 0.2 metres beyond the plane of the wall, or, in the case of a pitched roof, the roof slope when measured from the perpendicular with the external surface of the wall of pitched roof slope;
- (b) in the case of solar PV or Solar Thermal Equipment on a pitched roof, it would result in the highest part of the solar PV or solar thermal equipment being higher than the highest part of the roof (excluding any chimney);

(ba) in the case of solar PV or Solar Thermal Equipment on a flat roof, it would result in the highest part of the solar PV or Solar Thermal Equipment being more than 0.6 metres higher than the highest part of the roof (excluding any chimney);

(c) in the case of land within a conservation area or which is a World Heritage Site, the solar PV or solar thermal equipment would be installed on a wall which fronts a highway;

(d) the solar PV or solar thermal equipment would be installed on a site designated as a scheduled monument; or

(e) the solar PV or solar thermal equipment would be installed on a building within the curtilage of a dwellinghouse or block of flats if the dwellinghouse or block of flats is a listed building.

Comment: *the applicant dwelling features a pitched roof. Information has been provided stating that roof tiles would be removed where necessary with the aim*

of installing the panels flush with the roof plane. As such, the proposed panels would not be higher than the highest part of the roof or protrude more than 0.2m beyond the roof plane. The site is located within a conservation area; however, while the panels will front a public right of way (highway) the panels are proposed on the roof and not a wall.

Conditions

A.2 Development is permitted by Class A subject to the following conditions –

- (a) solar PV or solar thermal equipment is, so far as is practicable, sited as to minimise its effect on the external appearance of the building;
- (b) solar PV or solar thermal equipment is, so far as practicable, sited as to minimise its effect on the amenity of the area;
- (ba) in the case of solar PV or solar thermal equipment installed on a flat roof located on article 2(3) land, before beginning development the developer must apply to the local planning authority for a determination as to whether prior approval of the local planning authority will be required with respect to the impact of the appearance of solar PV or solar thermal equipment on that land;
- (bb) in relation to an application under sub-paragraph (ba), paragraphs J.4(3) to j.4(12) of this Part apply as if “Class A” substitutes the reference to “Class J” in paragraph J.4(4); and
- (c) solar PV or solar thermal equipment is removed as soon as reasonably practicable when no longer needed

Comment: *solar PV or solar thermal equipment has been sited as to minimise its effect on the external appearance of the building as well as its effect on the amenity of the area. The solar PV or solar thermal equipment is to be removed as reasonably practicable when it is no longer needed.*

Recommendation : GRANT CERTIFICATE

Decision authorisation – Delegated Powers

Application Number: 2024/90982

Officer Recommendation: Approve

The proposed installation of solar panels benefits from a general planning permission granted under Schedule 2, Part 14, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) subject to conditions as state in paragraph A.2 of the same Order.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location Plan	TQRQM24113205442823	1037934	23.04.2024
Proposed Site / Block Layout	TQRQM24096121150208	1036645	08.04.2024
Email	July 2024	-	18/07/2024

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 seek clarification which was then considered acceptable.

Dated: 09.08.2024