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/91022/W

Site: 124, Slades Road, Bolster Moor, Huddersfield, HD7 4JR

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

Case Officer**:** Jessica Irwin

Decision Reference: PROPOSED OPERATIONS REFUSED

I hereby authorise the refusal 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-Jun-2024

2024/91022

Officer report

Site description

124 Slades Road is a large two storey detached property constructed in natural stone with a hipped roof constructed in blue slate roof tiles. The property benefits from a
modest lawn to the front and rear, with a detached double garage and drive to the side. The garage is constructed in natural stone with a pitched roof with a small hipped feature to the front.

The site is located within the Green Belt and shares a boundary with Bolster Moor Chapel with sparsely located residential properties nearby.

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 proposed extension would project from the rear elevation of the property by 5.6 metres and would be a total width of 3.5 metres with an eaves height of 2.7 metres rising to an overall height of 4.0 metres to the ridge. The existing single storey read projection is to be replaced with a flat roof and adjoins onto the proposed extension.

The materials used are to be predominantly of similar appearance to that of the original dwelling - with the addition of small amounts of cladding.

History of negotiations/amendments received

No history of negotiations or amendments.

Relevant planning history

87/02018 – Extension to enlarge lounge and bedroom and to form ground floor porch and shower room – Granted conditionally
2019/90232 – Erection of front extension to existing garage – Granted conditionally
2023/93746 – Erection of single storey rear extension – Withdrawn

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 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 would not exceed 50% of the total area of the curtilage of the dwellinghouse.*

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 extension would not exceed the height of 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 extension would not extend beyond a wall which forms the principal elevation 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 dwelling is a detached property and the extension would project beyond the rear wall of the original dwellinghouse by more than 4 metres (5.6 metres). It would not 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. The property is a detached dwelling and the proposed development would extend 5.6 metres beyond the rear wall but the matter to be assessed has been submitted for a Lawful Development Certificate and not a prior approval for a larger householder extension.*

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.*

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 is within 2 metres of the boundary of the curtilage of the dwellinghouse but the eaves of the enlarged part would not exceed 3 metres (2.7 metres proposed).*

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 extension would not project beyond a wall forming a side elevation 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 property was extended pursuant to planning permission ref: 87/02018 with a two and single storey gable rear projection. The proposed extension will adjoin onto this existing extension. Measuring from the 1987 approved plans, the two storey extension projects more than 3 metres from the original dwellinghouse and thus contrary to paragraph (h) 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 proposed works do not include any of the above.*

l) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).
Comment: Not applicable

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;
b) 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 dwellinghouse 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 construction materials would be of a similar visual appearance to the existing dwellinghouse. As the proposal is for a single storey extension, no upper floor windows in a wall or roof slope forming a side elevation are proposed.*

Conclusion:

The proposal for the erection of a single storey rear extension at 124 Slades Road does not benefit from a general planning permission under Article 3(1) and Class A, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended)) as it would extend beyond the rear wall of the original detached dwellinghouse by more than 4 metres contrary to limitation A.1(f)(i) and adjoin an existing two storey enlargement of the original dwellinghouse which would not comply with sub-paragraph (h) of Class A thus contrary to sub-paragraph (ja).

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			**11/04/2024**
As Existing Plans Elevations	**23_818 100**		**11/04/2024**
As Proposed Plans Elevations	**23_818 101**	**-**	**11/04/2024**
As Existing Site Location Plan	**23_818 102**	**-**	**11/04/2024**
As Proposed Site Location Plan	**23_818 103**	**-**	**11/04/2024**