

**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/91321/E

Site: Overbrook, 24, Arkenley Lane, Almondbury,
Huddersfield, HD4 6SQ

Description: Certificate of lawfulness for proposed single storey
side extension and rear dormers

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 03-Jul-2024

2024/91321 – Officer report

Site description

The site is a large two-storey stone built detached property located in the Green Belt approximately 0.5km south-east of the centre of Almondbury. Arkenley Lane hosts several residential properties of varying sizes and designs. The dwellinghouse benefits from a driveway and amenity space to the front of the property and a large garden to the rear. The location is semi-rural in nature, with St James's School opposite and green fields to the rear, which form part of the Strategic Infrastructure Network.

Proposal

The proposed development comprises of a single storey side extension and two rear dormers. The extension would project out from the original dwelling by 8.2 metres and would be 6.2 metres in depth. The roof of the extension is proposed to be pitched with a height of 2.9 metres to the eaves and 3.9 metres to the ridge, with all materials to match the existing dwelling. The dormer proposed on eastern side of the rear elevation would measure 5.7 metres in length and the dormer proposed on the western side of the rear elevation would measure 3.6 metres in length. Both dormers would be set down from the ridge of the roof and set up from the eaves with materials to match the existing dwelling.

History of negotiations

I calculated a different measurement for the total cubic metres of the proposed rear dormers. I calculated the total cubic metres as, 29.1m³; in the supporting statement the agent advises the total as 26m³. In negotiations, I contacted the agent to query this, they then recalculated the measurement as 28m³. This is a small discrepancy and does not impact the lawfulness of the development.

Relevant planning history

2004/94867 – Erection of detached garage with studio over – Refused

2007/90344 – Erection of two storey and single storey extensions – Conditional Full Permission

2007/94984 – Erection of two storey and single storey extensions (modified proposal) – Withdrawn

2020/93122 – Certificate of lawfulness for formation of first floor office in existing garage and installation of windows and roof lights – Granted

Consultation response

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

Legislation

The application falls to be considered under the relevant legislation as follows:

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The Town and Country Planning Act 1990 Section 55 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Assessment

Principle of Development

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;
2. If so, whether Permitted Development rights apply to the property; and
3. Whether the proposed development falls within permitted development under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 1 (Development within the curtilage of a dwelling house), Class A (enlargement, improvement or alteration) and Class B (additions etc to the roof of a dwellinghouse), respectively.

The proposal comprises the erection of a single storey side extension, alongside the formation of two dormers within the rear roof plane. Thus, the proposal constitutes the carrying out of building on and over land that would materially affect the external appearance of the existing building. As such, it is regarded as development as defined by section 55 of the Town and Country Planning Act 1990. The application therefore falls to be considered under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 1 (Development within the curtilage of a dwelling house), Class A (enlargement, improvement or alteration) and Class B (additions etc to the roof of a dwellinghouse), respectively.

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)*

b) 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.*

c) 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.*

d) 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.*

e) 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 house does not sit on a corner plot where the proposed side extension fronts a highway.*

f) 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 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.*

g) 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 meter in the case of any other dwellinghouse, or

(ii) 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.*

h) 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.*

i) 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.*

j) 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

(ii) have more than a single storey, or

(iii) 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.*

k) 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 proposed development would not include any of the above.*

l) The dwellinghouse was built under Part 20 of this Schedule (construction of new dwellinghouses).

Comment: *The dwellinghouse was not built under Part 20 of this Schedule.*

A.2 This section relates to dwellinghouses on article 2(3) land.

Comment: *The proposed extension is on a dwellinghouse not on article 2(3) and therefore this section does not apply.*

A.3 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;

Comment: *All materials will be similar in appearance to those used in the construction of the exterior of the existing dwellinghouse (natural coursed stone, slate roof tiles and timber framed windows). The proposed extension is single storey and therefore these conditions do not apply.*

b) Any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be –

(i) obscure-glazed, and

(ii) 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

Comment: *The proposed side extension is single storey.*

c) Where the enlarged part of the dwellinghouse has more than a single storey or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

Comment: *This is not applicable as the proposed side extension is single storey.*

Schedule 2, Part 1, Class B of the Order sets out the Permitted Development Rights which relates to ‘the enlargement of a dwellinghouse consisting of an addition or alteration to its roof’. In assessing the proposal against this:

Development not permitted

B.1 Development is not permitted by Class B 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 only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule.*

b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;

Comment: *The proposed rear dormers do not exceed the existing height of the dwelling.*

c) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;

Comment: *The proposed dormers would not extend beyond the existing roof slope of the principal elevation; they will be erected on the rear roof slope.*

d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than—

(i) 40 cubic metres in the case of a terrace house, or

(ii) 50 cubic metres in any other case;

Comment:

Left rear dormer (as proposed): 10.3 m³

Right rear dormer (as proposed): 18.8 m³

Total: 29.1 m³ - these calculations have been taken from measuring the plans to scale. My total calculation differs from the agent's [listed in the supporting statement as 26 m³], however, both are within the criteria/less than 50 cubic metres.

(e) it would consist of or include—

(i) the construction or provision of a verandah, balcony or raised platform, or

(ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or

Comment: *The proposal does not consist of or include any of the above.*

(f) the dwellinghouse is on article 2(3) land.

Comment: *The dwellinghouse is not on article 2/3 land.*

g) The dwellinghouse is built under Part 20 of this Schedule (construction of new

dwellinghouses); or

Comment: *The dwellinghouse was not built under Part 20 of this Schedule.*

h) The existing dwellinghouse has been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys).

Comment: *The existing dwellinghouse has not been extended by Class AA (enlargement of a dwellinghouse by construction of additional storeys).*

Conditions

B.2 Development is permitted by Class B subject to the following conditions—

(a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

Comment: *All materials used in the construction of the exterior work will match the exterior of the existing dwellinghouse; natural coursed stone with white timber windows to match existing.*

(b) the enlargement must be constructed so that—

(i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension—

(aa) the eaves of the original roof are maintained or reinstated;

and

(bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and

(ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and

Comment: *The eaves of the original roof would be maintained. The proposed dormers would be set back from the existing eaves by 0.2 metres. The*

proposed dormers would also not extend beyond the outside face of the external rear elevation.

(c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be—

(i) obscure-glazed, and

(ii) 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.

Comment: *No windows are proposed on a wall or roof slope forming a side elevation.*

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 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.

The rear dormers benefit from a general planning permission granted by virtue of Article 3(1) and Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) subject to conditions as stated within paragraph B.2 of the same Order.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Application form			16/05/2024
Grouped plans and elevations - Proposed	2334-01		16/05/2024
Grouped plans and elevations - Existing	2334-01		16/05/2024
Location Plan			16/05/2024
Supporting Statement			16/05/2024

Report dated: 28 June 2024

