

Robert Halstead

Chartered Surveyors & Town Planners

N.C. Willock MRICS MRTPI

Office G of H, Bridge Mills, Huddersfield Road, Holmfirth, HD9 3TW

Planning Development

Planning Supporting Statement for a Certificate of Proposed Lawful Development at 48 Roberttown Lane, Liversedge, WF15 7LY

Introduction

This planning statement accompanies a Certificate of Lawful Proposed Development application at 48 Roberttown Lane, Liversedge. The property is a part two / part three-storey stone built detached house. The property is located in a semi-rural location with the centre of Roberttown located to the south-west of the property and Liversedge located to the north-east of the property. There are two neighbouring residential dwellings situated directly to the rear of the applicant's property with other residential dwellings scattered along Roberttown Lane. Open fields are located beyond the properties to the rear and also beyond the southern side of Roberttown Lane. Access to the property is via a driveway from Roberttown Lane.



Photograph of the rear of the dwelling

Planning History

2024/90285 – Erection of two-storey rear extension – Refused

2017/94379 – Outline application for the erection of a pair of semi-detached dwellings – Withdrawn

This residential property retains its permitted development rights.

The Proposals

The proposed development comprises of a three-storey rear extension and a single storey side extension.

The three-storey rear extension would project out from the original dwelling by 3 metres and would extend across the entire width of the existing rear elevation. The extension would be constructed using stone, with the first floor having a render finish. The roof of the extension would be pitched. No accommodation would be provided at basement level as this would provide an under build for the ground and first floors to be built on. Window and door openings are proposed on the rear and side elevations of the ground floor with only rear windows proposed at first floor level.

The single storey side extension would project out from the original dwelling by 6 metres and would measure 5.1 metres in length. The extension would also be constructed of stone with a flat roof. Windows are proposed on the front and side elevation with bi-fold doors proposed on the rear elevation. A lantern skylight is also proposed in the roof.

An existing rear porch would also be removed as part of the proposals. Note this would not comprise 'development' under the Town & Country Planning Act' – either interpreted in terms of being only a minor part of the larger building, or under The Town and Country Planning (Demolition - Description Of Buildings) Direction 2021 – as a 'building' less than 50 cubic metres in size.

Permitted Development

This application is made under Class A and Class B, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). The reasons the proposal is considered to be permitted development are as follows, dealing with each of the conditions/restrictions in Class A in turn (responses in [blue](#)):

Class A – The enlargement, improvement or other alteration of a dwellinghouse.

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);

[Permission to use the dwellinghouse as a dwellinghouse was not granted under 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 curtilage (excluding the ground area of the original dwellinghouse);

As the Location Plan and the proposed plans & elevations demonstrate, the proposed extensions would not result in the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) exceeding 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse).

- 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;

The proposed three-storey rear extension would have a pitched roof and the proposed single storey side extension would have a flat roof. As can be seen from the proposed elevations, the roofs of both extensions do not exceed the highest part of the roof on the existing dwellinghouse.

- 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;

The proposed three-storey rear extension would have a pitched roof and the proposed single storey side extension would have a flat roof. As can be seen from the proposed elevations, the roofs of both extensions do not exceed the height of the eaves on the existing dwellinghouse.

- e) The enlarged part of the dwellinghouse would extend beyond a wall which –

- i) Forms the principal elevation of the original dwellinghouse; or
- ii) Fronts a highway and forms a side elevation of the original dwellinghouse;

The proposed extensions would be located on the rear elevation and the west side elevation. As can be seen from the proposed plans and elevations, these extensions would not extend beyond the principal (front/southern) elevation and the west side elevation does not front 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 dwellinghouse, or 3 metres in the case of any other dwellinghouse, or
- ii) Exceed 4 metres in height;

N/A

- g) For a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, 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 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or
- ii) Exceed 4 metres in height;

N/A

- h) The enlarged part of the dwellinghouse would have more than a single storey and-

- i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres,
- or
- ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse.

The proposed three-storey rear extension would extend beyond the rear wall of the original dwellinghouse by no more than 3 metres, thereby complying with this clause.

The rear extension would not be within 7 metres of the rear curtilage boundary.

(NOTE the legislation does not prevent an extension higher than two storeys– referring to the clause above “would have more than a 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;

The Location Plan and Land Registry Plan shows the residential curtilage of the property outlined in red. The curtilage includes the access adjacent to the eastern elevation of the dwellinghouse, which also serves as a right of way to the dwellings at the rear (No’s 44 and 46 Roberttown Lane). Assessing whether an extension is within the curtilage of a dwellinghouse, an Inspector on a previous appeal concluded the following:

‘The Council argues that the land where the extension would be constructed does not form part of the curtilage because at present the land partly forms a shared access path used by the occupiers of both No 51 and No 49 ...

The Encyclopaedia [of Planning Law] points out that it is not necessary for land to be enclosed or marked off in any way; “it is enough that it serves the purpose of the house or building in some reasonably useful way” ...

*The function of this land is to provide amenity space and parking for No. 52. It is not fenced or marked off, but its function clearly serves the purpose of the house. It also provides a right of way to the adjoining property, but **the fact that another landowner has a right of access over land does not prevent it from forming part of the curtilage**¹ of No. 51. Rights of way across curtilages of neighbouring properties are not uncommon.’² (See Appendix 1 for the full Appeal Decision).*

The height of the eaves of both the three-storey rear extension and the single storey side extension exceeds 3 metres. However, taking account of the above, neither extension would be within 2 metres of the boundary of the curtilage of the dwellinghouse and as such, the proposals comply with this clause.

- j) 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,

¹ Emphasis ours

² Paragraphs 8, 10 & 11 Appeal Ref: APP/X0360/X/11/2149095

- ii) Have more than a single storey, or
- iii) Have a width greater than half the width of the original dwellinghouse;

The proposed single storey side extension would have a height measuring 3.8 metres. The width of the extension would be 6 metres. The width of the original dwellinghouse is 12.3 metres. The extension would therefore not 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);

The proposed extensions would be joined to the original dwellinghouse only and would not be joined to any previous (or the proposed rear) extensions. The proposed extensions would therefore not exceed the limits set out in sub-paragraphs e) to j).

- 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.

The proposals would not include any of the above.

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

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

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

All materials would be similar in appearance with those on the existing dwellinghouse, as shown on the proposed plans (stone and render for the external walls, grey roof tiles and white framed windows).

- b) Any upper-floor window located in 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; and

Two windows are proposed on the side elevation of the three-storey extension. These will be obscurely glazed, and non-opening as shown on the proposed plans.

- 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 is practicable, be the same as the roof pitch of the original dwellinghouse.

As can be seen on the proposed elevations, the roof pitch on the three-storey rear extension is the same as the roof pitch on the original dwellinghouse.

A.4 This section relates to conditions which apply to development permitted by Class A which exceed the limits in paragraph A.1 f) but is allowed by paragraph A.1 g) (larger home extensions). This application is not seeking approval for a larger home extension and therefore these conditions do not apply.

Conclusion

Based on fulfilling the above criteria, it is considered that the proposed development falls within permitted development rights for both Part 1 Class A (three-storey rear extension and single storey side extension).

We therefore respectfully request that the enclosed Certificate of Lawful Proposed Development is granted accordingly.

Please do not hesitate to contact us should you have any queries.

Robert Halstead Surveyors & Town Planners

May 2024