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/91431/E

Site: 48, Roberttown Lane, Roberttown, Liversedge, WF15 7LY

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

Case Officer**:** Chris Cockroft

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 02-Sep-2024

Officer Report

Site Description

48 Roberttown Lane is a double fronted dwelling with stone on the front elevation and render to the sides and rear. There are gardens to the front, side and rear. The dwelling has a single storey projecting element at the front and a porch style extension to the rear.

There are open fields at the front with wooded areas to both sides and two dwellings at the rear

Description of Proposal

Permission is sought for a Certificate of Lawfulness for a three storey rear extension and single storey side extension. The three-storey extension is proposed to project 3m from the original rear wall of the property across the width of the existing rear elevation to 2m from the curtilage boundary. 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. In the planning support statement, the applicant notes 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.

The Council has considered the photographic evidence and concluded that the rearward projection (a small coal shed or similar), consisting of a side elevation, is de minimis and this will be taken into account in the assessment of the proposal.

Evidence supplied by applicant

- Application Form
- Drawings 10-PL-004-A to 10-PL-008-A
- Revised Drawings 10-PL-004 -B to 10-007-B
- Land Registry information
- Class A Planning Support Statement

- Appendix 1 Appeal Decision
- Details have been submitted with regards to construction materials.

Evidence held by the Council

Along with information held on the previous planning submission, of relevance to this application the Council also hold historical Ordnance survey evidence dated from 1854 to 2021.

History of negotiations/amendments received

Negotiations have taken place with the applicant. The three-storey extension was proposed to project 3m from the original rear wall of the property, across the entire width of the existing rear elevation (Dwg.no. 10-PL-007-A - provided in the certificate of lawfulness application 2024/91431 on 29.05.2024). The Council contacted the applicant via email on 7th August 2024, to confirm that a certificate of lawfulness could not be granted for the rear extension, as it was within 2 metres of the curtilage boundary and the height of the eaves of the enlarged part would exceed 3 metres, and therefore did not benefit from a general planning permission granted under Schedule 2, Part 1, Class A (i) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

An email was received from the applicant on 7th August 2024 confirming that new plans would be submitted.

Amended plans 10-PL-004 -B to 10-007-B were received from the applicant on 14th August 2024.

Relevant Planning History

None.

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 to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule.*

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: *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 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 proposed three-storey rear extension would have a pitched roof and the proposed single storey side extension would have a flat roof. From the proposed elevations, the roofs of both extensions do not exceed the highest part of the roof on 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 proposed three-storey rear extension would have a pitched roof and the proposed single storey side extension would have a flat roof. From the proposed elevations, the roofs of both extensions do not exceed the height of the eaves on 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 proposed extensions would be located on the rear elevation and the west facing side elevation. From the proposed plans and elevations, these extensions would not extend beyond the principal (front/south facing) elevation and the west facing side elevation does not front 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**: N/A*

f) 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 story and –

I. Extend beyond the rear wall of the original dwellinghouse by more than 8 meters in the case of a detached dwellinghouse, or 6 meters in the case of any other dwellinghouse, or

I. Exceed 4 metres in height

***Comment**: N/A*

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 being enlarged which opposite the rear wall of the dwellinghouse

***Comment**: The proposed three-storey rear extension would extend beyond the rear wall of the original dwellinghouse by no more than 3 metres. The rear extension would not be within 7 metres of the rear curtilage boundary.*

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 enlarged part of the dwellinghouse would not be within 2 metres of the boundary of the curtilage of the dwellinghouse.*

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 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)

***Comment**: the proposed extensions would be joined to the original dwellinghouse only and would not be joined to any previous extensions. The proposed extensions would therefore 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 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 extensions would not consist of or include the construction or provision of a veranda, balcony or raised platform. They would not see the installation, alteration, or replacement of a microwave antenna, chimney, flue, or soil and vent pipe. There would be no alteration to any part of the roof of the original dwellinghouse.*

k) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

***Comment:** N/A*

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 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;

***Comment:** 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).*

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

***Comment**: 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.*

b) 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 roof pitch on the three-storey rear extension is the same as the roof pitch on the original dwellinghouse.*

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.

Recommendation: Grant certificate

Decision Authorisation - Delegated Powers

Application Number: 2024/91431

Officer Recommendation: **Granted**
The three-storey rear extension and single-storey side extension at 48, Roberttown Lane, Roberttown, Liversedge, WF15 7LY, benefit 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 in paragraph A.3 of the same Order.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Site Location Plan	10-PL-008-A	A	29.05.2024
Proposed Basement Plan	10-PL-004-B	B	16.08.2024
Proposed Ground Floor Plan	10-PL-005-B	B	16.08.2024
Proposed First Floor Plan	10-PL-006-B	B	16.08.2024
Proposed Elevations	10-PL-007-B	B	16.08.2024
Land Registry Plan			29.05.2024

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 entered into negotiations or request amended plans for the proposed development as it was considered that the application was not considered acceptable in its submitted form. Negotiations resulted in the submission of revised drawings.

Dated: 21.08.2024