

**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/91511/E

Site: 27, Birksland Moor, Birkenshaw, BD11 2PA

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

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 11-Jul-2024**

## **Officer Report**

### **Site Description**

The application relates to 27 Birksland Moor, a two-storey end terrace property located in Birkenshaw. The property is faced in red brick and pebble dashed render. The dwelling benefits from off road parking to the front and a garden to the rear. The neighbouring properties are of residential use and comprise two storey dwellings of similar architectural designs and varying materials.

### **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 extension would project from the rear of the property by 3.0 metres and would be a total width of 4.7 metres with an eaves height of 2.6 metres rising to an overall height of 3.6 metres.

The external walls of the extension are to be faced in brick to match the existing house.

### **History of negotiations/amendments received**

No negotiations have taken place and no amended plans received.

### **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:** *The use of the dwellinghouse has not been granted by the above applications.*

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:** *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 (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; **Comment:** *The maximum height of the extension would not exceed the maximum height of the roof of the original 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 **Comment:** *The eaves of the extension would not exceed the height of the eaves of 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;

**Comment:** *The proposed extension would not extend beyond a wall which forms the principal elevation of the original dwellinghouse, or which fronts a highway and forms a side elevation of the original dwellinghouse.*

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

ii) 3 metres in the case of any other dwellinghouse,

iii) 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 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

**Comment:** *The extension proposed would not extend beyond the rear wall of the original dwellinghouse by more than 3m or exceed 4m 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 extension 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 extension would be sited within 2 metres of the boundary of curtilage but the eaves height would not exceed 3 metres.*

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

ii) Have more than a single storey, or

iii) Have a width greater than half the width of the original dwellinghouse

**Comment:** *The proposed extension would not extend 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 proposed extension would not adjoin any existing enlargement.*

k) 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 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 submitted plans confirm that the existing soil and vent pipe on the rear elevation of the dwelling would be relocated to allow for the proposed extension. However, the replacement of the vent pipe is permitted by virtue of Class G of Part 1.*

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

**Comment:** *Not applicable.*

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

c) 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 property 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;

b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be obscurely glazed.

**Comment:** *The materials will be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. The development is single storey to there will be no upper-floor windows.*

**Conclusion:** The proposal for the erection of single storey rear extension at 27 Birksland Moor, has been considered against the Town and Country Planning (General Permitted Development - England) Order 2015 (as amended) and is recommended for approval.

**Recommendation: GRANT**

The proposed single storey rear extension would 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 stated in paragraph A.3 of the same Order.

**Plans and Specifications Schedule**

<b>Plan Type</b>	<b>Reference</b>	<b>Revision</b>	<b>Date Received</b>
Application form			28-May-2024
Grouped Plans and Elevations	Detailed Design 24-FSK-26-01		28-May-2024