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/91636/W
Site:	Ballantrae, 322, Cowcliffe Hill Road, Fixby, Huddersfield, HD2 2HN
Description:	Certificate of lawfulness for proposed alterations to existing dwelling
Case Officer**:**	Charlotte Dixon
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 06-Aug-2024

Officer Report

Site Description

322 Cowcliffe Hill Road is a two storey detached dwelling faced in stone and has a double pitched roof. The property has a conservatory to the front elevation and an attached garage located on the western elevation. The dwelling benefits from a large driveway to the front, as well as a large curtilage, which includes garden space to the rear, as well as east and west elevations.

The dwelling is located on a residential street that consists of large detached properties set in large curtilages. The dwellings are of a different style to that of the no.322, however they host similar materials and design features.

Description of Proposal

The application is for a certificate of lawfulness for proposed alterations to existing dwelling.

The alterations include the addition of bifolding/ sliding doors to the rear, the addition of a new window on the north-western side elevation and the alteration of an existing door on the south-east side elevation to a new window. Additionally, the submitted plans include internal alterations comprising the demolition of some internal walls.

The property has not had its pd rights removed.

History of negotiations/amendments received

No negotiations or amendments received.

Relevant Planning History

91/01490- Erection of first floor extension, conservatory, replacement porch and pitched roof to bay window- Conditional full permission

2003/91746- Erection of 2 storey and single storey extensions- Conditional full permission

2008/93635- Erection of 2 storey extension- Conditional full permission

2017/94157- Erection of one detached dwelling- Refused
APP/Z4718/W/18/3210215- Appeal Dismissed

Consultation Responses

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

Assessment

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 and the Town and Country Planning (General Permitted Development) Order 2015;
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).

The proposal comprises the installation of new bifolding/ sliding doors to the rear elevation, the addition of a new window on the north-western side elevation and the alteration of an existing door on the south-east side elevation to a new window. The submitted plans also demonstrate some internal alterations taking place including the demolition of internal walls.

Section 55 of the Town and Country Planning Act 1990 (TCPA) states that "the following

operations or uses of land shall not be taken for the purposes of this Act, to involve development of the land-

(a) the carrying out for the maintenance, improvement or other alteration of any building of works which—

(i) affect only the interior of the building, or

(ii) do not materially affect the external appearance of the building,

and are not works for making good war damage or works begun after 5th

December 1968 for the alteration of a building by providing additional space in it underground;"

The external alterations to the windows to install bifold doors, as well as the addition and alteration of windows on the side elevations are likely to affect the external appearance of the building to a degree and is therefore considered as being development as defined under Section 55 of the TCPA 1990.

As such, permitted development rights under Class A may then apply. Class A of Part 1 permits the enlargement, improvement or other alteration of a dwellinghouse subject to relevant limitations. Sub-paragraphs (a) – (d) and (k)

are relevant to alterations whereas other paragraphs are only relevant to enlargements of the dwellinghouse. In this instance, the dwellinghouse was not granted under any class of Part 3, the heights of eaves and ridge are not altered and the development does not consist of any description of works in paragraph (k). Subject to materials matching the existing materials in appearance, the proposed external alterations benefit from permission granted under the provisions of the GPDO.

Additionally, the work to the internal walls is considered to only affect the interior of the building and therefore is not considered as being development, as defined by Section 55 (2) of the TCPA 1990.

Conclusion

The proposed internal alterations as shown on plan 2268 A(10)-01 are not development as defined under Section 55 of The Town and Country Planning Act 1990 and the proposed external alterations to windows and door openings 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.

Recommendation: Grant certificate

Decision Authorisation - Delegated Powers

Application Number: 2024/91636

Officer Recommendation: Grant certificate

The proposed internal alterations as shown on plan 2268 A(10)-01 are not development as defined under Section 55 of The Town and Country Planning Act 1990 and the proposed external alterations to windows and door openings 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
Existing Plans	2268 A(00)-01	-	10/06/2024
Proposed Plans	2268 A910)-01	-	10/06/2024
Location Plan	1044914	-	10/06/2024

02/08/2024

Report Dated: