

**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/91679/W

Site: 37, St Mary's Avenue, Netherthong, Holmfirth,
HD9 3XN

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

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 01-Aug-2024

2024/91679

Officer report

Site description

37, St Mary's Avenue is a two storey dwellinghouse constructed with artificial stone with grey slate roofing, located in a cul-de-sac in Netherthong, bounded by Green Belt fields. The Netherthong/Deanhouse Conservation Area lies to the south and east of the site. A public footpath (HOL/25/10) also runs directly to the rear of the site. The property benefits from a driveway and amenity area to the front of the property, alongside a good size garden to the rear.

Description of proposal

Permission is sought for a Certificate of Lawfulness for the erection of a single storey extension to the rear and associated alterations.

The extension would project from the rear elevation of the property by 3 metres and would be a total length of 5.9 metres with an eaves height of 2.8 metres rising to an overall height of 3.9 metres to the ridge.

The materials used are to be predominantly of similar appearance to that of the original dwelling – coursed stone, interlocking concrete roof tiles, with stone heads and cills.

History of negotiations/amendments received

No history of negotiations or amendments.

Relevant planning history

2013/93271 – Outline application for erection of residential development – Appeal upheld APP/Z4718/A/14/2219016

2014/91533 – Outline application for erection of residential development – Granted conditionally

2016/93365 – Reserved matters application pursuant to outline permission

2014/91533 for erection of 30 dwellings – Approval of Reserved Matters

2016/94029 – Discharge conditions 5 (affordable housing) and 6 (public open space) on previous permission 2014/91533 for outline application for erection of residential development – Discharge of Conditions approved

2017/90700 – Discharge conditions 4, 7, 9, 11, 12, 13 on previous permission

2014/91533 for outline application for erection of residential development – Discharge of Conditions approved

2017/92557 – Variation condition 1 (plans) on previous permission

2016/93365 for reserved matters application pursuant to outline permission

2014/91533 for erection of 30 dwellings – Removal or Modification of Conditions approved

2017/94019 – Discharge conditions 9 (highways and drainage) and 11 (drainage) on previous application 2014/91533 for outline application for erection of residential development – Discharge of Conditions approved

2022/91010 – Confirmation of compliance of conditions on previous permission 2014/91533 for outline application for erection of residential development – Compliance with Condition split decision

Consultation responses

As this is a Lawful Development Certificate application, no consultation responses are required. However, this has received support from the Holme Valley Parish Council.

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 has not been granted by any of the above.*

- 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 would not exceed 50% of the total area of the curtilage of the 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 highest part of the extension would not exceed the height of the highest part of the roof of 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

Comment: *The height of the eaves 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
- (i) fronts a highway and forms a side elevation of the original dwellinghouse;

Comment: *The extension would not extend beyond a wall which forms the principal elevation or 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
 - I. 3 metres in the case of any other dwellinghouse.
 - II. Exceed 4 metres in height;

Comment: *The dwelling is a detached property and the extension would not project beyond the rear wall of the original dwellinghouse by more than 4 metres. It would not 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 metres in the case of any other dwellinghouse, or
 - I. Exceed 4 metres in height

Comment: *The dwelling is a detached property and the extension would not project beyond the rear wall of the original dwellinghouse by more than 4 metres. It would not 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 extension would not 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;

Comment: *The extension is within 2 metres of the boundary of the curtilage of the dwellinghouse but the eaves of the enlarged part would not exceed 3 metres (2.8 metres proposed).*

- 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
 - I. Have more than a single storey, or
 - II. Have a width greater than half the width of the original dwellinghouse

Comment: *The extension would not project 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 proposal would not adjoin an existing enlargement to the original dwellinghouse.*

- 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 proposed works do not include any of the above.*

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

Comment: Not applicable

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;
- 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 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;
- 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
 - 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
 - II. 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 construction materials would be of a similar visual appearance to the existing dwellinghouse. As the proposal is for a single storey extension, no upper floor windows in a wall or roof slope forming a side elevation are proposed.*

Conclusion:

The proposal for the erection of a single storey rear extension at 37 St Mary’s Avenue, 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 rear extension and associated alterations 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

| Plan type | Reference | ID | Date received |
|------------------------------|------------------|-----------|----------------------|
| Application form | | | 13/06/2024 |
| Existing Plan and Elevations | 9176 - 01a | 1046119 | 13/06/2024 |
| Proposed Plan and Elevations | 9176 - 02c | 1046118 | 13/06/2024 |