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12th June 2024

Planning Department
Kirklees Council Offices
Civic Centre 3
Market Street
Huddersfield
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Dear Sir / Madam,

SCHEDULE 2, PART 1, CLASS E OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 (AS AMENDED)

APPLICATION FOR CERTIFICATE OF LAWFUL DEVELOMPENT FOR PROPOSED DEVELOPMENT AT 167 DRUB LANE, CLECKHEATON, BD19 4BZ.

On behalf of our client, G Bohanna, we hereby submit an application for a Lawful Development Certificate for proposed detached ancillary building located within the domestic curtilage of 167 Drub Lane, Cleckheaton, BD19 4BZ.

This letter is in support of Lawful Certificate Application for a proposed detached ancillary building, pursuant to Section 192 of the Town and Country Planning Act 1990. The purpose of this application made under Section 192 is to ascertain whether the proposed development is lawful.

In addition to this letter, the application is supported by the following information.

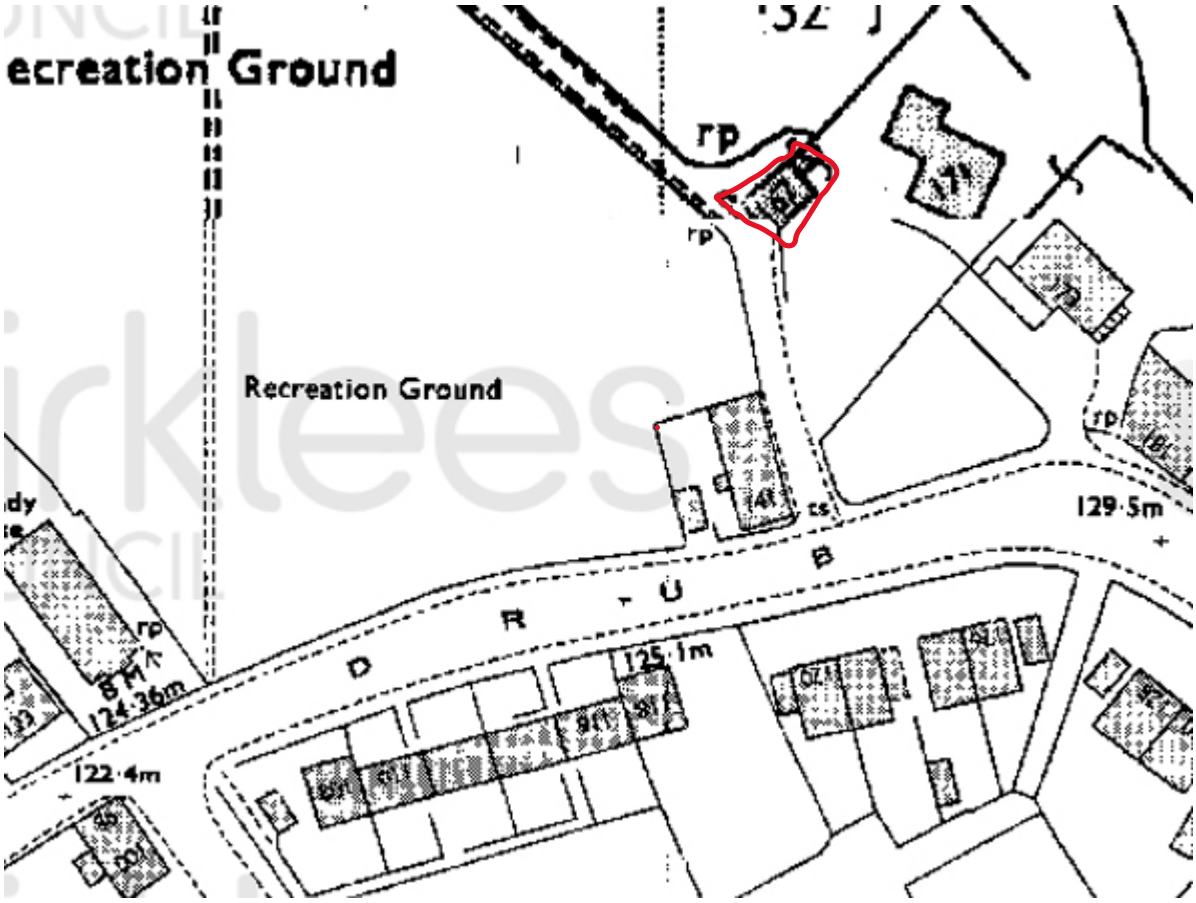
- Site location Plan;
- Existing site Plan;
- Proposed Site Plan; and
- Proposed Elevations.

Site Description and History

The application site comprises residential property 167, Drub Lane, a detached house in Gomersal, Cleckheaton. It is built on land that slopes downwards in a south westerly direction, so that there is a lower ground floor element below part of the house and the rest is at ground floor level.

The property is constructed from natural stone with dual pitched roofs surfaced in grey concrete tiles and there is a raised balcony to the front above lower ground floor element.

The property has a complex history and 1965 Ordnance Plan shown in **Figure 1a** below shows the outline of the original building. The original house comprised only the front portion, standing at three storeys with a footprint of 7.0 x 6.0m = 42m2.



^ Figure 1a: Ordnance Map from 1965 with red line indicating the original house of 167 Drub Lane

In 1979, permission was granted to take a storey off the top and build an extension along the back (ref. 79/62/00332). There have been further extensions to the rear and side of the dwellinghouse. The rear extension to the property has a footprint area of 18.6m^2 and the side extension to the property has a footprint area of 4.7m^2. The dwelling area before both the rear and side extensions was 136m2.

Further detail on the planning history can be found in the later sections of this Covering Letter.

Figure 1b shows the existing property as it stands now, with the red line indicating the outline of the original dwellinghouse as per Ordnance Plan from 1965.

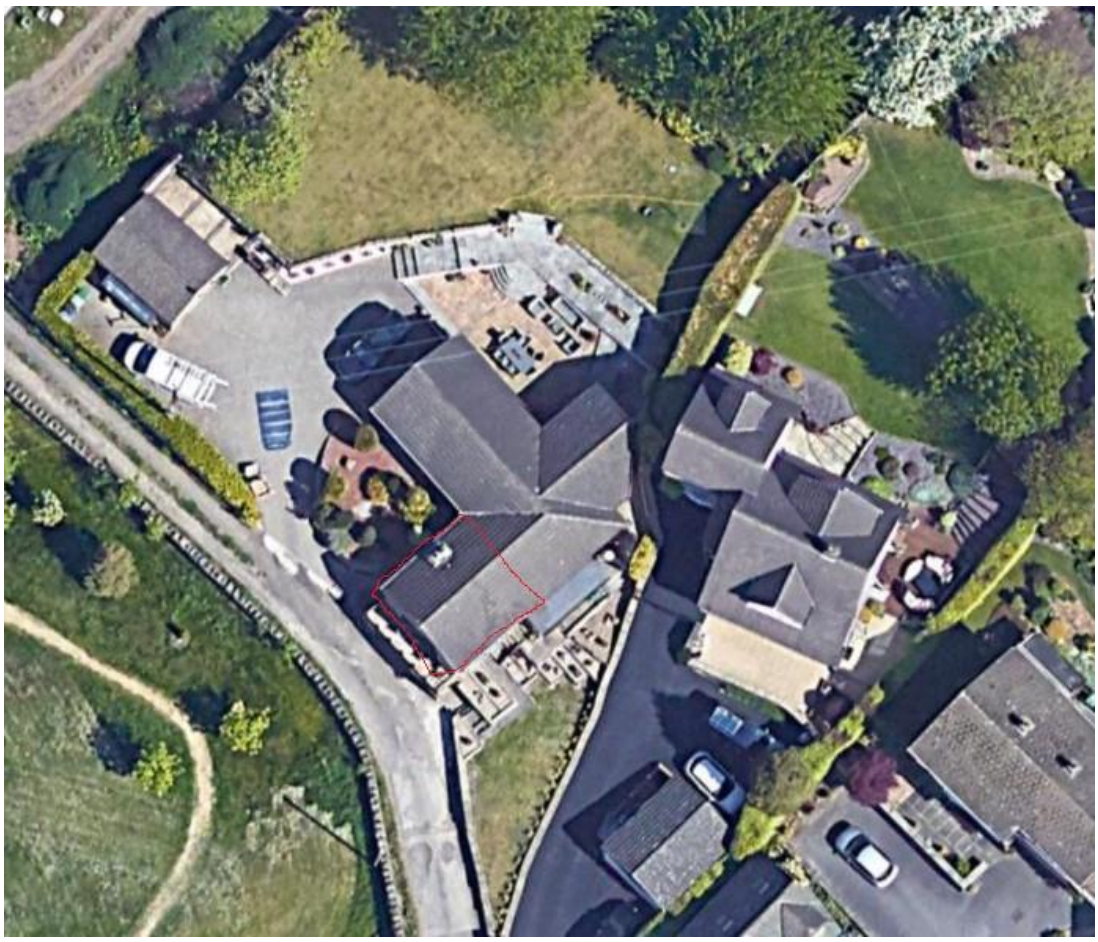


Figure 1b: Ariel View of house as it currently stands with extensions (taken from Google Maps). Red line indicates outline of the original dwellinghouse.

The existing house as it stands is 550m^3 and has a footprint area of 151m^2.

In February 2007, an application ref. 2007/90309 approved the erection of a detached garage. This garage is 27m^2 in size and sits in the northwest corner of the application site.

The overall site area (including the existing house as it stands with all extensions and the detached garage and garden is 1090m^2.

Proposed Development

The proposed development comprises the erection of detached ancillary building located within the domestic curtilage of the existing dwellinghouse at the site.

The outbuilding will measure 30.6m^2 GIA and has a GEA of 37.6m^2. It will be 3.95m high from ground level to the ridge level and 2.45m high from ground level to eaves level.

The owners of the original dwellinghouse seek a detached outbuilding the use of which will be incidental to the enjoyment of a dwellinghouse.

The proposed building is to be located on the north west side of the original dwelling and is to be used as garden room and home office. It will sit in between the existing detached garage and the dwellinghouse.

As outlined above, the proposed outbuilding is considered permitted development as defined by Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) that allows for the provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure.

Assessment against Class E criteria

Schedule 2, Part 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 includes Class E(a), which allows-

> *'any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure;'*

There are, however, several limitations to this permitted development and these are set out in **Table 1.1** below. Table 1.1 also indicates how the proposed development complies with Class E of the GPDO and is therefore lawful.

Section E.1 criteria	**Our Response**
(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);	The permission for the original dwellinghouse was **not** granted by virtue of any of these classes.
(b) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);	The existing house as it stands covers has a footprint area of 151m^2. The existing detached garage has a footprint area of 27m^2 Therefore, the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) is 178m2. The total area of the curtilage (excluding the ground area of the original dwellinghouse) is 954m2. The proposed outbuilding has a footprint of 30.6m^2 .

	The total area of ground that would be covered by all buildings, enclosures and containers within the curtilage (other than the original dwelling house) is The proposed outbuilding has a footprint of 30.6m^2 . therefore, the total area of ground covered by buildings, enclosures and containers within the curtilage (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) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;	The proposed outbuilding will **not** be situated on land forward of a wall forming the principal elevation of the original dwellinghouse.
(d) the building would have more than a single storey;	The proposed outbuilding is one storey high.
(e) the height of the building, enclosure or container would exceed— *(i)4 metres in the case of a building with a dual-pitched roof,* *(ii)2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or* *(iii)3 metres in any other case;*	The proposed outbuilding is located 9m from the boundary of the curtilage of the dwellinghouse. The eaves height is 2.45 meters.
(f) the height of the eaves of the building would exceed 2.5 metres;	The height of the eaves of the proposed outbuilding would **not** exceed 2.5 metres.
(g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;	The proposed outbuilding is **not** situated within the curtilage of a listed building.
(h) it would include the construction or provision of a verandah, balcony or raised platform;	The proposed outbuilding will **not** include the construction or provision of a verandah, balcony or raised platform.

(i) it relates to a dwelling or a microwave antenna;	The proposed development does **not** relate to a dwelling or a microwave antenna.
(j) the capacity of the container would exceed 3,500 litres.	The proposal does **not** involve the erection of a container.
(k) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)	The original dwellinghouse was **not** built under Part 20 of this Schedule (construction of new dwellinghouses).

In terms of criteria set out in paragraphs **E.2** and **E.3**, the appeal site is **not** within an area of outstanding natural beauty; the Broads; a National Park; or a World Heritage Site (Article 2(3) land), and whilst the outbuilding exceeds 10m^2 in size, it **not** located more than 20 meters from any wall of the dwellinghouse. For clarity, the proposed outbuilding is 0.15 meters away from to closest wall of the dwellinghouse.

Having regard to the above, it is considered that the assessment demonstrates that the proposed outbuilding is permitted development as defined by Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Conclusion

I trust that you agree that the proposal meets the legislative requirements of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and have all the information required to validate the application.

If you require anything further in the meantime, please do not hesitate to contact the undersigned.

Yours faithfully,

Meghan Gleeson
Planner