

**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/91755/E

Site: 1, Reservoir View, Skelmanthorpe, Huddersfield,
HD8 9AD

Description: Certificate of lawfulness for proposed demolition of
existing conservatory and outbuilding and erection of single storey extension
to rear

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 12-Sep-2024

2024/91755

Officer report

Site description

1 Reservoir View is a detached bungalow finished with cream artificial stone cladding. The dwellinghouse benefits from garden amenity space to the front and rear, alongside two driveways to the East and West of the front elevation of the property, a garage outbuilding to the East and an integral garage to the West. There is also an additional outbuilding in the rear garden (two overall).

Description of proposal

Permission is sought for a Certificate of Lawfulness for proposed demolition of existing conservatory and outbuilding and erection of single storey extension to rear. In this instance, the 'outbuilding' refers to the porch extension to the rear which is affixed to the property.

The extension would project from the rear elevation of the property by 3 metres and would be a total length of 13.2 metres. The proposed extension is to have a flat roof, with a total height (eaves and ridge) of 2.9 metres. There is also an addition of a roof light, protruding from the roof by 0.15 metres.

The materials used are to be of similar appearance to that of the original dwelling – stone, grey roof tiles and white UPVC windows.

History of negotiations/amendments received

Our historical maps do indicate a feature on the rear of the property; however, we have no evidence to demonstrate that this was part and parcel of the original dwellinghouse or an adjoined store added at a later date. Given the size and photographs received from the applicant's agent in negotiations, we do not deem it pertinent to consider this an existing feature of the original dwellinghouse.

Relevant planning history

No historic planning applications or permissions, however, our historic mapping data does indicate a feature to the rear of the property, as described above.

Consultation responses

As this is a Lawful Development Certificate application, no consultation responses are required. However, this has received no objections from the Denby Dale 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. The height of the eaves in this instance is considered to be below the soffit boards of the proposed enlargement.*

- 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 does not extend beyond a wall which forms the principal elevation. It does not extend beyond a wall that 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 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 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
 - I. Exceed 4 metres in height

Comment: *The dwelling is not on article 2(3) land. The property is a detached dwelling, and the proposed development would not extend beyond the rear wall by more than 8 metres or exceed 4 metres in height. However, the matter to be assessed has been submitted for a Lawful Development Certificate and not a prior approval for a larger householder extension.*

- 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 (2.9 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. The conservatory and outbuilding (porch) will be removed to facilitate the addition of the rear extension.*

- 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 include the addition of a roof light (an alteration to the roof) – this is assessed under Schedule 2, Part 1, Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).*

- 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 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 benefits from a general planning permission granted under 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.2 of the same Order.

Recommendation: GRANT

Plan type	Reference	ID	Date received
Application form		1046976	21/06/2024
Existing and Proposed Plans	2090-1	1046118	21/06/2024
Block Plan	2090-3	1046980	21/06/2024
Location Plan	2090-OS	1046977	21/06/2024