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/91933/W

Site: 15, Thong Lane, Netherthong, Holmfirth, HD9 3TY

Description: Certificate of lawfulness for proposed erection of single storey side 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 02-Sep-2024

Officer report
2024/91933

Site description
The application site (15 Thong Lane) is a stone-built, end terrace property in a row of three, located in Netherthong. The terraces are symmetrical in design, with the exception of a porch extension to number 11 and conservatories to the rear. The property benefits from garden amenity space to the rear with a driveway and garage building to the front of the property.

Description of proposal
The proposed development is a single storey side extension.

History of negotiations/amendments received
N/A

Relevant planning history
2019/91458 – Work to trees TPO 40a/96 – Granted

Consultation responses
N/A

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.*

a) 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.*

b) 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.*

c) 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.*

d) 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 extend beyond a wall that forms a side elevation of the original dwellinghouse but this does not front a highway.*

e) 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 proposed extension is to the side of the property.*

f) 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 not on article 2(3) land. The proposed extension is to the side of the property.*

g) 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.*

h) 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 (2.6 metres proposed).*

i) 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 projects beyond a wall forming a side elevation but does not exceed 4 metres in height. The proposed extension is single storey and does not have a width greater than half that 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.*

j) 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 of 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 flue or soil and vent pipe – this is assessed under Schedule 2, Part 1, Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).*

k) 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
b) 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;
a) 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.*

In assessment of the additional chimney, flue or soil and vent pipe on a dwellinghouse —

Class G – chimney, flues etc
This provides permitted development rights for the installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse.

G.1 Development is not permitted by Class G 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 (change of
use)
(b) the height of the chimney, flue or soil and vent pipe would exceed the highest
part of the roof by 1 metre or more; or
(c) in the case of a dwellinghouse on article 2(3) land, the chimney, flue or soil and vent pipe would be installed on a wall or roof slope which-
(i) fronts a highway, and
(ii) forms either the principal elevation or a side elevation of the dwellinghouse.

Comment: *The dwellinghouse has not been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (change of use). The height of the flue or soil and vent pipe would not exceed the highest part of the roof. The dwellinghouse is also not on article 2(3) land.*

Conclusion
The proposal for the erection of a single storey side extension at 15 Thong Lane, 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 side extension benefits from a general planning permission normally granted by virtue of Article 3(1) and Schedule 2, Part 1, Class A and Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Decision Notice text:-

The single storey side extension benefits from a general planning permission normally granted by virtue of Article 3(1) and Schedule 2, Part 1, Class A and Class G 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.