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/92046/W

Site: 209, New Road, Kirkheaton, Huddersfield, HD5 0PN

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

Case Officer**:** Sharoz Ilyas

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-Oct-2024

Reference:	2024/CLD/92046/W
Applicant: -	Oakstown Properties Ltd
Location: -	209, New Road, Kirkheaton, Huddersfield, HD5 0PN
Proposal: -	Certificate of lawfulness for proposed erection of single storey rear extension

Site Description

209 New Road is a mid-terrace three-storey dwellinghouse. The dwellinghouse is constructed using traditional stone and stone slate roof tiles on a dual-pitched roof. The site slopes away from the front therefore only two storeys are visible from the principal elevation off New Road and three-storeys visible at the rear. The front of the property has a garden with a driveway for off-street parking and an enclosed private garden behind a high fence. The rear of the property occupies an enclosed garden amenity space.

The immediate area around the dwellinghouse is rural in character with there being a limited number of dwellinghouse in the immediate area. There is a mix of farms and dwellinghouses and there is a uniform design amongst the dwellinghouses including the use of dressed stone and stone slate roof tiles in their construction.

Description of Proposal

Permission is sought for a Certificate of Lawfulness for the erection of a single-storey extension to the rear of the property.

The extension would measure 2800mm projecting, 4998mm wide and have a total height of 3014mm. The height to the eaves would be 2493mm. Materials used in the construction are to match the existing.

History of negotiations/amendments received

Amended plans received to show 3x roof lights on the extensions roof which were not shown on the floor plans.

Relevant Planning History

2017/62/94002/W: Erection of three storey rear extension - Conditional full permission

Consultation Responses

None required.

Legislation
The Town and Country Planning Act 1990 Section 55 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

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;

1. If so, whether Permitted Development rights apply to the property; and

2. Whether the proposed development falls within permitted development under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 1 (Development within the curtilage of a dwelling house), Class A.

The plans are for the erection for a rear single-storey extension. Thus, the proposal constitutes the carrying out of building on and over land that would materially affect the external appearance of the existing building. As such, it is regarded as development as defined by section 55 of the Town and Country Planning Act 1990.

The application therefore falls to be considered under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 1 (Development within the curtilage of a dwelling house), Class A.

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 to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule.*

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*: 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 not exceed 50% of the total area of the curtilage.*

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 dwellinghouse enlarged 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 of the part of the dwellinghouse enlarged, 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 enlarged part of the dwellinghouse would not extend beyond a wall which forms the principal elevation of the original dwellinghouse, nor would it front a highway and forms a side elevation of the original dwellinghouse.*

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 dwellinghouse, or 3 metres in the case of any other dwellinghouse, or

I. Exceed 4 metres in height;

Comment: *The enlarged part of the dwellinghouse would be single-storey and would not extend beyond the rear wall of the original dwellinghouse by more than 3 metres and would not exceed 4 metres in height.*

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 meters in the case of a detached dwellinghouse, or 6 meters in the case of any other dwellinghouse, or

   I. Exceed 4 metres in height

Comment: *The enlarged part of the dwellinghouse would be single-storey and would not extend beyond the rear wall of the original dwellinghouse by more than 3 metres and would not exceed 4 metres in height*

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 being enlarged which is opposite the rear wall of that dwellinghouse;

***Comment**: The enlarged part of the dwellinghouse would not be 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 enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage and the height of the eaves of the enlarged part does not exceed 3 metres.*

i) The enlarged part of the dwellinghouse would extend beyond 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 enlarged part of the dwellinghouse would not extend beyond a wall forming a side elevation of the 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 total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) does not exceed or would exceed the limits set out in sub-paragraphs (e) to (j).*

k) It would consist of or include –

i. The construction or provision of a veranda, 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 development would not consist of or include the construction or provision of a veranda, balcony or raised platform. It would not include the installation, alteration, or replacement of a microwave antenna, chimney, flue, or soil and vent pipe. There would be no alteration to any part of the roof of the original dwellinghouse.*

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

Comment: The dwellinghouse was not built under Part 20 of this Schedule (construction of a new dwellinghouse)

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;

a) 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 and therefore this condition does not apply.*

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 materials used in any exterior work shall be similar in appearance to that of the existing dwellinghouse. The enlargement is single-storey and therefore there will be no upper-floor windows and no need for the roof pitch to match that of the existing dwellinghouse.*

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.

Recommendation: Grant certificate
Decision Authorisation - Delegated Powers
Application Number: 2024/92046

Officer Recommendation: Grant certificate

The single-storey rear extension benefits 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
Location Plan	1051218	2518-OS	22/07/2024
Grouped Plans and Elevations – Existing	1051217	2518-1	22/07/2024
Grouped Plans and Elevations - Proposed	1052078	2518-2A	02/08/2024

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The Case Officer did not enter into negotiations or request amended plans for the proposed development as it was considered that the application was considered acceptable in its amended form.

Dated: 26.09.2024**Error! Not a valid filename.**