

**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/92068/W

Site: 18, Bent Lea, Bradley, Huddersfield, HD2 1QW

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

Case Officer: Charlotte Hancock

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 17-Sep-2024

Officer Report

Site Description

18 Bent Lea, Bradley is a two-storey detached dwelling constructed of stone and is located on a residential estate with other houses of a similar design and material palette. The property benefits from a lawn to the front and garden to the rear and has a large driveway to the east of the site. The property benefits from a detached garage which is shared with the neighboring property, no. 16 Bent Lea and has a conservatory to the rear.

The property has not had its permitted development rights removed.

Description of Proposal

Permission is sought for a certificate of lawfulness for proposed demolition of existing conservatory and erection of single storey rear extension.

The proposed rear extension would project approximately 3.3 metres from rear of the original dwellinghouse, would have an eaves height of 2.3 metres, raising to a height of 3.6 metres where it adjoins the house and would have a length of 4.4 metres. The extension would be constructed of materials to match the existing dwellinghouse.

The proposal seeks to demolish the existing conservatory on the rear, north facing elevation.

History of negotiations/amendments received

No history of negotiations or amendments.

Relevant Planning History

87/03217- Erection of 31 No. dwellings- Granted conditionally

Consultation responses

This is an application for a Lawful Development Certificate and, for this reason, no consultations are necessary

Issues and 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; 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 (enlargement, improvement or other alteration of a dwellinghouse).

The proposal comprises the erection of a rear 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 (enlargement, improvement or other alteration of a dwellinghouse).

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 covered 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

(ii) 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 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
- II. 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 extend approximately 3.3 metres beyond the rear wall.*

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 eaves height of the extension is 2.3 metres.*

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
- II. Have more than a single storey, or
- III. 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: *Not applicable.*

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 would not result in 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.

d) 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 (b) and (c)

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

II. 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

III. 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 match the existing materials used to construct the original 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.*

The removal of the existing conservatory is considered to be an alteration to the existing dwellinghouse which accords with the limitations set out in Class A of Part 1.

Conclusion:

The proposal for the erection of a single storey rear extension at 18, Bent Lea, Bradley has been considered against the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and is recommended for approval.

The proposed removal of the existing conservatory and erection of single storey rear extension would 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. Plans and specifications schedule: -

Plan Type	Reference	Date Received
Grouped Plans and Elevations	1265LM 01	01.08.2024
Location plan	1051927	01.08.2024
Application form	1051925	01.08.2024

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 entered into negotiations and request amended plans for the proposed development and it was considered that the application acceptable in its submitted form.

Dated: 16/09/24