

**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/92100/W

Site: Highfield, 47, Long Lane, Honley, Holmfirth, HD9
6EB

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 18-Sep-2024

Officer report

2024/92100

Site description

The application site (47 Long Lane) is a red brick, semi-detached property, located in Honley, Holmfirth. The properties are symmetrical in design, with identical additions to the side elevation which from looking at historic mapping appear to be original features of the existing dwellinghouse. The properties benefit from substantial garden amenity spaces to the rear with driveways to the front of the property which lead to modest sized garage buildings.

Description of proposal

The proposed development is a single storey side extension alongside alterations to the existing ground floor rear elevation openings.

The maximum projection is 2.0m from the original dwelling (flared element), the approximate length of the extension is 7.2m, with the total height of the flat roof being 3.1m. The addition would be 3.3m to the closest boundary.

The new ground floor rear windows construction materials would be of a similar visual appearance to the existing dwellinghouse (white UPVC).

History of negotiations/amendments received

N/A

Relevant planning history

N/A

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.

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.

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 extend beyond a wall that forms a side elevation of the original dwellinghouse but this does not front a highway. The original dwellinghouse consisted of a small side projection set 5 metres from the principal frontage of the property at a width of less than 1 metre and approximately 2 metres in height. While this projection has a elevation facing towards the principal elevation of the main part of the house, it is considered the scale and appearance of this elevation is inconsequential in terms of presenting a frontage of the dwellinghouse and as such is not considered to be a wall forming part of the principal 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 proposed extension is to the side of the property.

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 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.

- 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 not within 2 metres of the boundary of the curtilage of the dwellinghouse.

- 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 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 original dwellinghouse appears to have an existing side enlargement, as visible in historic mapping, the proposal would however, not 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 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 do not include any of the above.

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

Comment: N/A

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

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 be of a similar visual appearance to the existing dwellinghouse in all aspects, including the changing of the openings to the rear of the property. There are no new windows proposed to upper floor side elevations.

Recommendation: Grant certificate

The proposed single storey side extension and alterations to the ground floor rear openings 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 stated in paragraph A.3 of the same Order.

Plan Type	Reference	Web ID	Date received
Application form		1051899	25-Jul-2024
Grouped plans and Elevations – Existing	24_814 100	1051903	25-Jul-2024
Grouped plans and elevations – Proposed	24_814 101	1501902	25-Jul-2024