

**chrKIRKLEES 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/92462/W

Site: 2, The Green, Marsden, Huddersfield, HD7 6DE

Description: Certificate of lawfulness for proposed erection of
single storey rear extension (within a Conservation Area)

Case Officer: Chris Cockroft

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 04-Nov-2024

Officer Report

Site Description

2, The Green, Marsden, Huddersfield, HD7 6DE is a two-storey semi-detached dwelling, which is pebble-dash rendered on all three elevations and has a grey slate roof. The property is located adjacent to Grade 2 Listed Buildings in the Marsden Conservation Area.

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, measured from the provided drawing at 1:100 scale, would project from the rear elevation of the property by 1.55 metres and would be a total width of 3.75 metres, with an eaves height of 2.25 metres, rising to an overall height of 3.05 metres for the pitched roof.

Details have been submitted with regards to construction materials.

History of negotiations/amendments received

No negotiations have taken place and no amended plans received.

Relevant Planning History

None

Consultation Responses

None required.

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 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 height of the part of the dwellinghouse enlarged, improved, or altered would not exceed the height of the highest part of the roof of the existing dwellinghouse, due to the proposal being single storey in scale.*

- 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, improved, or altered would not exceed the height of the eaves of the existing dwellinghouse, due to the proposal being single storey in scale.*

- 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 or form 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 dwelling, or
- I. 3 metres in the case of any other dwellinghouse.
- II. Exceed 4 metres in height;

Comment: *The enlarged part of the dwellinghouse would be single storey in scale, 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 dwellinghouse 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 in scale, would not extend beyond the rear wall of the original dwellinghouse by more than 6 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 opposite the rear wall of the 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 of the dwellinghouse, although the height of the eaves of the enlarged part would 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. The enlargement would not exceed 4 metres in height, be more than a single storey and would not have a width greater than half the width 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)*

- j) 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: *it would not consist of or include the construction or provision of a veranda, balcony or raised platform. It would not see 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.*

- k) 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;
- 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 enlargement will consist of or include the cladding of any part of the exterior off the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic, or tiles. The existing dwellinghouse is pebble-dashed on all three elevations and therefore to comply with condition A.3, the proposed extension will be pebble-dashed.*

The enlargement would not extend beyond a wall forming a side elevation of the original dwellinghouse, would not have more than a single storey, or extend beyond the rear wall of the original dwellinghouse.

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 the exterior work will be similar in appearance to that of the existing dwellinghouse, as per the submitted plans. As the enlargement is single storey, there shall be no upper floor windows.*

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: 2024/92468

Officer Recommendation: Granted

The single storey rear extension at 2, The Green, Marsden, Huddersfield, HD7 6DE, 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.3 of the same Order.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Grouped Plans - Existing Plans and Elevations	01_Existing		09.09.2024
Grouped Plans - Proposed Plans and Elevations	03_Proposed		09.09.2024

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.

Dated: 01.11.2024