

**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/92470/W

Site: 75, Imperial Road, Edgerton, Huddersfield, HD1  
4PG

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

Case Officer: Charlotte Hancock

**Decision Reference: REFUSED**

**I hereby authorise the refusal 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 23-Oct-2024**

## **Officer Report**

### **Site Description**

75 Imperial Road is a two-storey semi-detached property which is faced in stone and brick with pebble dashed render on the first-floor level of the house. The property has a hipped roof with slate tiles. The property also benefits from a modest front garden and rear garden. There is no on-site parking.

The property is located on a residential street with dwellings of a similar size, age and design, with most properties along the street being semi-detached and faced in matching exterior materials thereby creating a harmonious street scene.

### **Description of Proposal**

The application is for a certificate of lawfulness for proposed erection of single storey rear extension. The onus is on the applicant to provide evidence which states why the proposal fits with the permitted development legislation. In this case, the applicant has stated on the application form that the proposal is permitted development.

The proposed single storey rear extension will project 3 metres from the original rear elevation of the host dwelling, with a width of 6 metres and a maximum height of 3.5 metres. The extension has a minimum eaves height of 2.3 metres and a maximum eaves height of 2.6 metres. The extension will be constructed of material to match the existing dwelling. The extension will include the addition of a rear window, patio doors and two rooflights.

The property has not had its pd rights removed.

### **History of negotiations/amendments received**

No negotiations or amendments received.

### **Relevant Planning History**

2021/94549- Prior notification for erection of single storey rear extension- Refused

2022/90514- Erection of single storey rear extension and external alterations- Refused

APP/Z4718/D/22/330752- Appeal dismissed

### **Consultation Responses**

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

## **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 and the Town and Country Planning (General Permitted Development) Order 2015;
2. If so, whether Permitted Development rights apply to the property; and
3. Whether the proposed development falls within permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

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.

In the absence of any other planning permission, 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 semi-detached property, and the single storey extension would extend beyond the rear wall of the original dwellinghouse by 3 metres.*

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 dwelling is a semi-detached property, and the proposal would be a single storey extension which extends beyond the rear wall of the original dwellinghouse by 3 metres. The proposal would not exceed 4 metres in height.*

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 maximum eaves height of the extension would be 2.5 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 Council's earliest ordnance survey historic map dated 1961 indicate the dwellinghouse featured a rearward projection to the north east corner of the rear elevation. Other similar properties within the immediate area also contain a similar feature and as such it is considered the original dwellinghouse was constructed with the rearward projection and thus part of the original dwellinghouse. The projection therefore consists of a wall which forms a side elevation of the original dwellinghouse. The proposed enlargement extends beyond the entire width of the dwellinghouse and therefore the enlarged part of the dwellinghouse extends more 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:** *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*
  - 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 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.*

**Conclusion**

The proposal at 75 Imperial Road has been considered against the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and is recommended for refusal.

**Recommendation:** Refuse certificate

**Decision Authorisation - Delegated Powers**

**Application Number:** 2024/92470

**Officer Recommendation:** Refuse certificate

The proposed rear storey extension would not 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) as the proposed enlarged part of the dwellinghouse extends beyond a wall forming a side elevation of the original dwellinghouse contrary to sub-paragraph A.1(j) of Class A.

Plans and specifications schedule:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed block plan	PL10	-	02/09/2024
Existing and Proposed Roof Plan	PL09	-	02/09/2024
Side Elevation/ Section Proposed	PL08	-	02/09/2024
Side Elevation Proposed	PL07	-	02/09/2024
Side Elevation Existing	PL06	-	02/09/2024
Front and Rear Elevations Proposed	PL05	-	02/09/2024
Front and Rear Elevations Existing	PL04	-	02/09/2024
Plans Proposed	PL03	-	02/09/2024
Plans Existing	PL02	-	02/09/2024
Location and Site Plan	PL01	-	02/09/2024
Application Form	1056633	-	02/09/2024

**Report Dated:** 17/10/2024