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/92710/W

Site: Strawberry Farm, Wood Lane, Colne Bridge, Huddersfield, HD5 0PX

Description: Certificate of lawfulness for proposed erection of single storey side and rear extensions and detached garage

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 18-Nov-2024

Officer Report

Site Description

Strawberry Farm is a detached bungalow constructed of stone. The property is surrounded by fields and is accessed off a private drive which leads from Wood Lane. The property benefits from private amenity space to the front and rear.
The permitted development rights in relation to this property have not been removed.

Description of Proposal

The application is for a certificate of lawfulness for proposed erection of single storey side and rear extensions and detached garage. The garage is proposed to be located to the west of the dwelling. 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 side extension is proposed to extend beyond the south-eastern elevation by 2.8 metres and the height of the eaves is to be 2.2 metres. It is proposed to have a width of 9.3 metres and a height of 3.8 metres.

The rear extension is proposed to project 4 metres from the rear of the original dwellinghouse and has a proposed eaves height of approximately 2.5 metres. It's proposed to have a length of 5.7 metres and a height of 3.6 metres.

The garage is proposed to have an eaves height of 2.3 metres and an overall height of 4 metres. It's proposed to have a width of 6.5 metres and a length of 6.5 metres.

History of negotiations/amendments received

No negotiations have taken place and no amended plans received.

Relevant Planning History

2002/93682- Erection of study extension to agricultural dwelling. Refused- 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), Schedule 2, Part 1 (Development within the curtilage of a dwelling house), Class A (enlargement, improvement or other alteration of a dwellinghouse) and Class E (buildings etc incidental to the enjoyment of the dwellinghouse).

The proposal comprises the erection of extensions as well as the erection of a building, thus, the proposal constitutes the carrying out of building on and over land. 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), Classes A and E.

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. One of the proposed extensions is proposed to extend beyond the side elevation of the original dwellinghouse however this does not front 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 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

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 4 metres beyond the rear wall of the original dwellinghouse.*

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 extensions would not be 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: *An enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation however it would not exceed 4 metres in height, have more than a single storey or 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: *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 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 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.*

Development not permitted
E.1 Development is not permitted by Class E 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: *The property was not granted permission by any of the above.*

(b)the total area of ground covered by buildings, enclosures and containers within the curtilage (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 proposed building is considered to be within the curtilage of the dwellinghouse, however it would not exceed 50% of the total area of the curtilage.*

(c)any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;
Comment: *The building would not be located forward of the principal elevation of the original dwellinghouse*

(d)the building would have more than a single storey;
Comment: *The building would be single storey in height.*

(e)the height of the building, enclosure or container would exceed—
(i)4 metres in the case of a building with a dual-pitched roof,
(ii)2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or
(iii)3 metres in any other case;
Comment: *the height of the building would not exceed the above.*

(f)the height of the eaves of the building would exceed 2.5 metres;
Comment: *The building is proposed to have an eaves height of approximately 2.4 metres.*

(g)the building, enclosure, pool or container would be situated within the curtilage of a listed building;
Comment: *The building would not be situated within the curtilage of a listed building.*

(h)it would include the construction or provision of a verandah, balcony or raised platform;
Comment: *N/A*

(i)it relates to a dwelling or a microwave antenna;
Comment: *N/A*

(j)the capacity of the container would exceed 3,500 litres; or
Comment: *N/A*

(k)the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).
Comment: *N/A*

E.2 In the case of any land within the curtilage of the dwellinghouse which is within—

(a)an area of outstanding natural beauty;
(b)the Broads;
(c)a National Park; or
(d)a World Heritage Site,

development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.

Comment: *The property is not situated in the above.*

E.3 In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.

Comment: *The property is not situated in a conservation area.*

<u>Interpretation of Class E</u>

E.4. For the purposes of Class E, “purpose incidental to the enjoyment of the dwellinghouse as such” includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the 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.
The single storey side and rear extensions and single storey outbuilding benefit from a general planning permission granted by virtue of Schedule 2, Part 1, Classes A and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) subject to conditions within paragraph A.3 of the same Order.

Recommendation: Approve certificate

Decision Authorisation - Delegated Powers

Application Number: 2024/92710

Officer Recommendation: Approve certificate

The proposed single storey side and rear extensions and single storey outbuilding as shown on the submitted plans listed in this decision notice benefit from general planning permission granted by virtue of Article 3(1) and Classes A and E of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) subject to respective conditions as stated in paragraphs A.3 of the same Order.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Proposed Garage Details	2400/112	-	23/09/2024
Proposed Location and Layout	2400/110	-	23/09/2024
Proposed Layout and Elevations	2400/111	-	23/09/2024
Existing Layout and Elevations	2400/101	-	23/09/2024
Existing Layout and Location Plan	2400/100	-	23/09/2024
Application Form	1059564	-	23/09/2024
Application covering letter	-	-	23/09/2024

Report Dated: 11/11/2024