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/92886/W
Site:	The Gables, Town Gate, Hepworth, Holmfirth, HD9 1TE
Description:	Certificate of lawfulness for proposed erection of porch structure to front
Case Officer**:**	Sharoz Ilyas
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 11-Nov-2024

Reference:	2024/92886
Applicant: -	Mr C Dixon
Location: -	The Gables, Town Gate, Hepworth, Holmfirth, HD9 1TE
Proposal: -	Certificate of lawfulness for proposed erection of porch structure to front

Site Description

The gables is a two-storey detached dwellinghouse built using natural coursed stone and stone slate for the roof. The dwellinghouse has a dual-pitched roof with semi-parapet walls at the front and back. The dwellinghouse has a small enclosed front garden which is accessed off Town Gate. The rear of the property has a large garden amenity space which extends beyond the side wall of the dwellinghouse due to the layout of the site.

The dwellinghouse sits on the corner/fork of Town Gate and Upper Gate. The immediate area is predominantly residential with a Pub/Drinking establishment directly adjacent the site and a workshop at the neighbouring property. The site sits within the Hepworth conservation area. There is differing housing types and designs within the conservation area as well as a number of listed buildings.

Description of Proposal

Permission is sought for a Certificate of Lawfulness for the erection of porch within the conservation area.

The porch would measure 500mm projecting, 2000mm wide and have a total height of 3000mm. The height to the eaves would be 2370mm. Materials used in the construction are to match the existing.

History of negotiations/amendments received

No negotiations have taken place and no amended plans received.

Relevant Planning History

99/62/90368/W3: ERECTION OF RAILING, GARDEN WALL AND DOOR CANOPY (WITHIN A CONSERVATION AREA) – Refused

2021/62/94277/W: Erection of single storey rear extension and formation of first floor [within a Conservation Area] – Conditional full permission

2024/CLD/92085/W: Certificate of lawfulness for proposed erection of porch (within a Conservation Area)

Legislation

The Town and Country Planning Act 1990 Section 55 and the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).

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;

1. 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 D.

The plans are for a porch to the front. 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 D.

Permitted development – Front Porch

D. The certificate of lawful development for the erection or construction of a porch outside an external door of a dwellinghouse is permitted development subject to complying with the relevant criteria below.

Development not permitted

D.1 Development is not permitted by Class D 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 for this dwelling was not granted by virtue of Class G, M, M, N, P, PA or Q of Part 3 of this Schedule (changes of use).***

(b) the ground area (measured externally) of the structure would exceed 3 square metres;

Comment ***The ground area of the porch when measured externally would not exceed 3 square metres.***

(c) any part of the structure would be more than 3 metres above ground level;

Comment ***The maximum height of the porch would not exceed 3m.***

(d) any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway; or

Comment ***The porch would not be located within 2 metres of any boundary of the curtilage with a highway.***

(e) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).
Comment: **The dwellinghouse was not built under Part 20 of this Schedule (construction of a new 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.

Recommendation: Grant certificate
Decision Authorisation - Delegated Powers
Application Number: 2024/92886

Officer Recommendation: Grant certificate

The proposed porch benefits from general planning permission granted by virtue of Article 3(1) and Schedule 2, Part 1, Class D of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location Plan	1062373		16/10/2024
Grouped plans and elevations - Existing and Proposed Floor Plans and Elevations	1062379		16/10/2024

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 did not enter into negotiations or request amended plans for the proposed development as it was considered that the application was considered acceptable in its submitted form.

Dated: 31.10.2024