

**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/92944/W

Site: 2, Shooting Box, Deer Hill End Road, Meltham,
Holmfirth, HD9 5PU

Description: Certificate of lawfulness for proposed part
excavation of rear garden and erection of single and two storey rear 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 10-Dec-2024

2024/92944

Site Description

The application relates to a semi-detached stone dwelling with a slate roof located in the Green Belt, with garden amenity space to the side and rear. The property is sited on a rural lane surrounded by open fields.

Application Proposal

The application is for a certificate of lawful proposed development for part excavation of rear garden and erection of single and two storey rear extension.

The single storey extension to the rear would have an eaves height of 2.45m, an overall height of 3.5m, and a maximum projection of 3m from the rear wall of the original dwellinghouse.

The two-storey extension would have an eaves height of 4.95m, an overall height matching the original dwellinghouse and a maximum projection of 3m from the rear wall of the original dwellinghouse.

The plans submitted show the extensions would be constructed using natural stone to match the existing walls, stone tiles for the roof coverings, double glazed UPVC windows and solar panels to the front and west elevations.

Relevant Planning History

2005/93785 – Erection of porch – Conditional full permission.

Consultations

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) Order 2015, Schedule 2, Part 1 (Development within the curtilage of a dwelling house), Class A (enlargement, improvement or other alteration of a house).

The proposal comprises the part excavation of rear garden and erection of single and two storey rear extension. In light of the scale of work, the excavations are regarded as incidental to the provision of the single storey

and two storey rear extension. The excavation works are to be carried out to facilitate the extensions.

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 property is not within a Conservation Area, nor is it a listed building and permitted development rights have not been removed.

The application therefore falls to be considered under the Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 1 (Development within the curtilage of a dwelling house), Class A (enlargement, improvement or alterations of a house).

Permitted development

A. The certificate of lawful development for the enlargement of a dwellinghouse consisting of the addition of an extension to the rear of the house is permitted development subject to complying with the relevant criteria below.

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

(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 proposed extensions would not take up more than 50% of the 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 height of the extensions 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 of the extensions 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 or side 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 element would not project beyond the rear wall of the original dwellinghouse by more than 3 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 semi-detached dwelling and the proposed development would extend approximately 3 metres beyond the rear wall.*

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 two-storey extension would not extend beyond the rear wall of the dwellinghouse by more than 3 metres, nor would it be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse.*

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 enlarged part of the dwellinghouse would not be within 2 metres 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 would not project beyond a wall forming a side elevation 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 extension would not result in the above.*

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

Comment: *Not applicable.*

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 dwelling/house; or

c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwelling/house.

Comment: *The property 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;

Comment: *The extension will be constructed from materials that match the materials used in the construction of the existing dwellinghouse.*

b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwelling/house 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 dwelling/house 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 dwelling/house.

Comment: *A Velux window is proposed to be erected in a roof slope forming a side elevation of the proposed rear enlargement. This is annotated as*

obscurely glazed on the submitted plans. This must also be 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.

Conclusion

The proposed development has been assessed against the relevant legislation, Town and Country Planning (General Permitted Development) Order 2015, Schedule 2 Part 1, Class A and it has been deemed permitted development. As a result, it does not require planning permission, and the lawful development certificate is therefore approved.

Solar panels

Schedule 2, Part 14, Class A of the Order sets out the Permitted Development Rights which relates to the 'installation or alteration etc of solar equipment on domestic premises.' From the information provided, the solar panels would protrude more than 0.2 metres beyond the plane of the roof slope when measured perpendicular with the external surface of the pitched roof slope. The solar panels as shown on the plans in the schedule would benefit from permitted development rights..

Recommendation: Grant certificate

Decision Notice

The erection of single and two storey rear extension benefit from a general planning permission under the provision 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 as stated in paragraph A.3 of the same Order.

Plan type	Reference	Web ID	Date received
Application form		1063107	22/10/2024
Location form	2SB/Location Plan	1063105	22/10/2024
Existing grouped plans and elevations	2SB/P01	1063104	22/10/2024
Proposed grouped plans and elevations	2SB/P03	1063103	22/10/2024
Proposed floor plans	2SB/P02	1063102	22/10/2024