

**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/93087/W

Site: 66, Longley Road, Lowerhouses, Huddersfield,
HD5 8JN

Description: Certificate of lawfulness for proposed replacement
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 08-Jan-2025

Officer Report

Site Description

66 Longley Road is a semi-detached property constructed of natural stone, which has a gable roofing form infilled with blue slate tiles. The property has an attached garage to the side elevation. The site benefits from a garden amenity space to the front, as well as a private driveway.

The wider streetscene of Longley Road is comprised of a mixture of property types, construction materials and style. The properties that are neighbouring to the application site share the same design as number 66.

Description of Proposal

The application is for a certificate of lawfulness for a proposed replacement garage. 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 as it accords with Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (The Order).

The proposed side extension has a lean-to roof with a maximum height of 3.9 metres, has a height to the eaves of 2.5 metres and has a width of 3.3 metres. The side extension will be constructed of materials of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. Due to the design of the proposed garage being attached to the side elevation of the existing dwellinghouse, this would be considered to be a side extension, rather than a detached outbuilding. As such, the development falls to be considered under Class A of The Order rather than Class E as stated by the applicant.

History of negotiations/amendments received

No history of negotiations/ amendments received.

Relevant Planning History

2022/91486- Demolition of existing garage and erection of two storey side and single storey rear extensions- Conditional Full Permission

Consultation Responses

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

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).

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)

The proposal comprises the erection of a side 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.

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 enlargement 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 enlargement would form a 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 dwellinghouse, or 3 metres in the case of any other dwellinghouse, or
- (ii) exceed 4 metres in height;

Comment: *The enlargement would not extend beyond the rear wall of the dwellinghouse or exceed 4 metres in height.*

(g) 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 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 enlarged part of the dwellinghouse would have a single storey but would not extend beyond the rear wall of the original dwellinghouse. It 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 original dwellinghouse by more than 3 metres, or
- (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;

Comment: *The enlarged part of the dwellinghouse 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 enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse and the eaves of the enlarged part would not exceed 3 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 enlarged part of the dwellinghouse would extend beyond a wall forming the side elevation of the original dwellinghouse and would not exceed the above.*

- (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 would not exceed the limits set out in the sub-paragraphs (e) to (j).*

- (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; or

Comment: *The proposal would not include any of 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 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 be of a similar visual appearance to the existing dwellinghouse. As the proposal is for single storey extensions, no upper floor windows in a wall or roof slope forming a side elevation are proposed.*

Conclusion

The proposal has been considered against the relevant legislation, Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and is recommended for approval. The single storey side extension benefits from a general planning permission under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Recommendation: Approve certificate

Decision Authorisation - Delegated Powers

Application Number: 2024/93087

Officer Recommendation: Approve certificate

The proposed garage enlargement would benefit from a general planning permission granted under 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.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Application form	-	-	29/10/2024

Plans, Elevations and Site Plan as Proposed	2776(100)02	C	29/10/2024
Plans, Elevations and Site Plan as Existing	2776(100)01	-	29/10/2024
Location Plan	2766LOC	-	29/10/2024
Plans, Elevations and Site Plan as Proposed	2776(100)02	D	20/11/2024

Report Dated: 02/01/2025