

Supporting Statement

**CERTIFICATE OF PROPOSED LAWFUL DEVELOPMENT FOR THE
ERECTION OF A REAR SINGLE STOREY EXTENSION AND
DETACHED OUTBUILDING**

**GRANGEFIELD, THUNDERBRIDGE, KIRKBURTON HUDDERSFIELD
HD8 0PU**

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1. INTRODUCTION

1.1

This statement provides details of a proposed single storey rear extension and a outbuilding incidental to the enjoyment of the dwellinghouse at Grangefield, Thunderbridge, Kirkburton, Huddesfield HD80PU.

1.2

This statement demonstrates that the rear extension constitutes permitted development under the provisions of Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and that the proposed outbuilding constitutes permitted development under the Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015

1.3

The proposals are considered to constitute permitted development for the reasons set out in this report. Permitted Development rights have not been removed from the dwelling.

2. THE SITE

2.1

The application site comprises a two-storey dwelling positioned within a large curtilage. The property has been extended by way of a two-storey side extension via application reference 94/90175. The property is, accessed from Wood Lane to the east which continues around the northern boundary. The site is, enclosed along Wood Lane with a stone wall and hedging. A metal gate positioned beyond the rear elevation serves the site providing vehicle access in to the site. The western boundary is marked by post and rail fencing. The dwelling is constructed in stone with a simple traditional design, set beneath a pitched roof, giving it a rural architectural quality that sits comfortably within its countryside setting. The proposed materials comprise natural coursed stone walls, a stone slate roof.

2.2

The principal elevation faces south. Steps lead up this elevation with a gate to access it which includes the front door. The rear elevation faces north. The curtilage includes substantial garden areas to the north, east and south of the building. The drive way runs past the dwelling to a garage to the front.

2.3

The surrounding area is predominately agricultural and residential in nature. Part of the site is within the Conservation Area and the host property is not a listed building. The area of the site in the Conservation Area is shown in the following image:

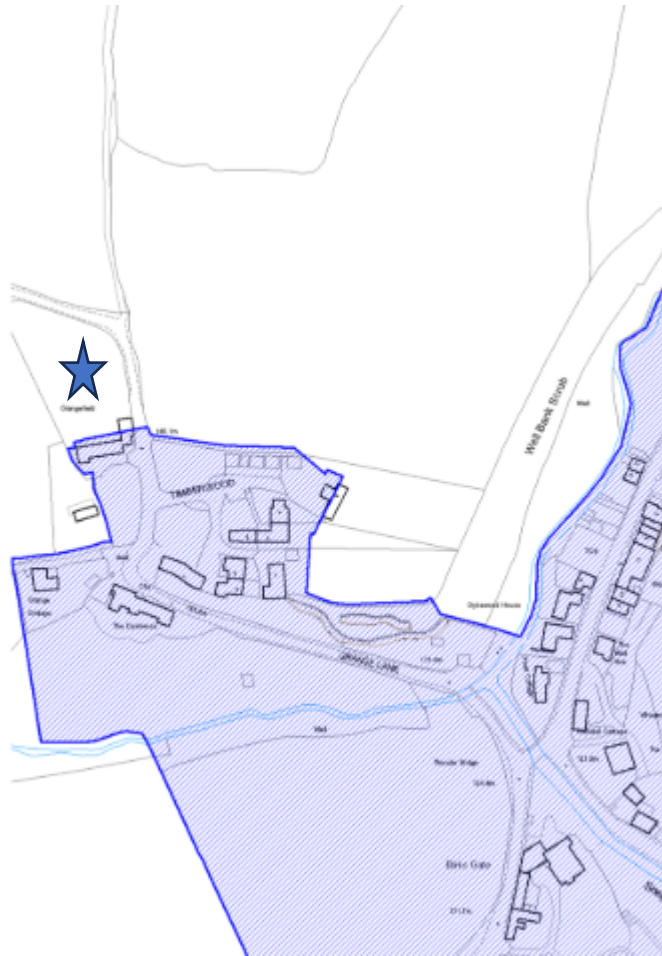


Figure 1 : Conservation map extract.

3. THE PROPOSAL

3.1

The application is for a certificate of lawfulness for a proposed development in accordance with Section 192 of the Town and Country Planning Act 1991 as amended by Section 10 of the Planning and Compensation Act 1991.

3.2

The proposal aims to establish that the proposed rear extension constitutes permitted development as defined by Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, and that the proposed outbuilding constitutes permitted development under the Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

3.3

Full design details of the scheme can be found in the plans supplied with this application. However, at this stage the main details of the proposal are as follows:

Rear Extension

- The extension would be positioned to the rear elevation of the dwelling.
- The extension would project no more than 4 metres beyond the original rear wall of the dwelling.
- The extension would be single storey with a sloping roof.
- The extension would be built in materials to match the existing dwelling.

Outbuilding

- The outbuilding would be single storey with a pitched roof.
- The pitched roof would measure 4 metres to the ridge.
- The outbuilding would have an eaves height of 2.485 metres.
- The outbuilding would provide accommodation incidental to the enjoyment of the dwellinghouse in the form of a games room and snug/garden room.
- The outbuilding would be located within the rear curtilage of the dwelling.
- No part of the outbuilding would be positioned forward of the principal elevation of the dwelling.
- The external materials would match those of the existing dwelling.

4. PERMITTED DEVELOPMENT CRITERIA AND COMPLIANCE

4.1

When preparing the scheme reference has been, made to Class A and E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Reference has also been, made to the “Permitted development rights for householders- Technical Guidance” issued by the DCLG in 2019.

Rear Extension

4.2

Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 states that the provision within the curtilage of the dwellinghouse consisting of “...the enlargement, improvement or other alteration of a dwellinghouse” is permitted development. Such development is not permitted, if any of the following apply:

4.3

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);

The application site has not been, granted permission by means of the above.

4.4

(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);

The application site benefits from a large residential curtilage. Whilst there is, an existing garage and extension at the site, the combined area covered by this and the proposed extension and outbuilding, would not exceed 50% of the curtilage area (excluding the ground area of the original dwellinghouse).

4.5

(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;

The submitted plans show that the proposed extension would be single storey set significantly lower than that of the existing dwelling.

4.6

(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;

The submitted plans show that the proposed eaves height at the extension would be set lower than the eaves height of the existing dwelling.

4.7

*(e) the enlarged part of the dwellinghouse would extend beyond a wall which—
forms the principal elevation of the original dwellinghouse; or*

fronts a highway and forms a side elevation of the original dwellinghouse;

The principal elevation in this instance is that which faces south. The building was originally a number of cottages which have since been converted into one dwelling and the photograph below shows that the southern elevation has always featured the primary entrance doors and main architectural features:



The proposed extension is to the rear (northern) elevation. The proposed extension therefore does not extend beyond a wall which forms the principal elevation or one that fronts a highway and forms a side elevation.

4.8

(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;

The proposed extension would not exceed 4 metres in height. The proposed extension would not project more than 4 metres beyond the rear wall of the original dwelling house. The proposal therefore does not exceed the limits in paragraph A.1(f) (i).

4.9

Paragraph (g) goes on to state that:

(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;

This paragraph is not directly relevant to this proposal as the extension would only project 4 metres.

4.10

(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 opposite
the rear wall of the dwellinghouse;*

The proposed extension would be single storey only.

4.11

- (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;*

The proposed extension would not be within 2 metres of the boundary of the
curtilage of the dwelling.

4.12

- (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; or*

The rear extension would not extend beyond any side elevation wall.

4.13

(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.

None of these criteria apply to the proposed extension.

4.14

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).]

None of these criteria apply to the proposed extension.

4.15

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;*
- b) *any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse 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*
- c) *where the enlarged part of the dwellinghouse has more than a single storey, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.*

The proposed extension would be, constructed using external materials of similar appearance to those in use at the existing dwelling (stone walls). The extension would include a sloping roof component in stone slate to match the existing roof slope. There are no upper-floor windows proposed, and no part of the extension would have more than a single storey.

Outbuilding

4.16

Turning to the proposed outbuilding, Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 states that the provision within the curtilage of the dwellinghouse consisting of “(a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure;” is permitted development. Such development is, not permitted, if any of the following apply:

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, MA, N, P, N, PA or Q of Part 3 of this Schedule (changes of use);

The application site has not been, granted permission by means of the above.

4.17

(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);

The application site benefits from a large residential curtilage. Whilst there is an existing extension at the site and a rear extension is also, permitted development as set out within this report, the combined area covered by these, including that of the proposed outbuilding and extension, would not exceed 50% of the curtilage area (excluding the ground area of the original dwellinghouse).

4.18

(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;

The proposed outbuilding is to the rear of the original dwelling and would not be forward of a wall forming the principal elevation,

4.19

(d) the building would have more than a single storey;

The proposed outbuilding would be single storey only.

4.20

(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;

The outbuilding is not within 2 metres of the boundary; therefore, this criterion is not applicable. The outbuilding has a pitched roof and does not exceed 4 metres in height.

4.21

(f) the height of the eaves of the building would exceed 2.5 metres;

The height would not exceed 2.5 metres being a maximum of 2.455 metres.

4.22

(g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;

The property is not a listed building.

4.23

(h)it would include the construction or provision of a verandah, balcony or raised platform;

The proposal would not include the construction or provision of a verandah, balcony or raised platform.

4.24

(i)it relates to a dwelling or a microwave antenna;

The outbuilding does not “relate to a dwelling” in the sense of forming an extension, alteration, or enlargement of the dwellinghouse itself.

4.25

(j)the capacity of the container would exceed 3,500 litres

The proposal does not relate to a container.

4.26

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

The dwelling was not built under Part 20.

4.27

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.

This is not relevant as none of the criteria apply.

4.28

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.

Although part of the site falls within Article 2(3) land, the position of the proposed outbuilding within the site, does not. The proposed outbuilding would be located within the rear curtilage of the dwellinghouse. It would not sit on land between a wall forming a side elevation of the dwellinghouse and the boundary of the residential curtilage.

The wording of Class E.3 is directed at development within the side curtilage of a dwellinghouse in protected areas. That is not the case here. The proposed building would be positioned to the rear, behind the principal elevation.

On that basis, the proposal would not be, precluded by Class E.3 and would comply with the relevant limitation.

5. CONCLUSIONS

5.1

For the reasons set out above it is, clear that both the outbuilding and the rear extension constitute permitted development under the provisions of Class A and E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

5.2

The LPA are, therefore, respectfully urged to issue a certificate of lawfulness for the proposed development.