

**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.: 2025/CL/90209/W

Site: 22, Upper Meadows, Upperthong, Holmfirth, HD9
3HR

Description: Certificate of lawfulness for proposed removal of
existing conservatory and erection of replacement single storey rear extension
and associated alterations

Case Officer: Chris Cockroft

Decision Reference: PROPOSED OPERATIONS REFUSED

**I hereby authorise the refusal 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 01-May-2025

Officer Report

Application: 2025/90209

Site Description

22, Upper Meadows, Upperthong, Holmfirth, HD9 3HR is a two-storey detached dwelling, which is constructed from stone. The property benefits from a small garden to the front of the property, with amenity space found to the rear.

The property is located on a residential street with properties of a similar age and style.

Description of Proposal

Permission is sought for a Certificate of Lawfulness for the demolition of the existing conservatory and erection of single storey rear extension and associated alterations.

The extension, measured from the provided drawing at 1:50 scale, would project from the rear elevation of the property by 4.0 metres and would be a total width of 6.60 metres with an eaves height of 2.33 metres rising to an overall height of 3.59 metres for the pitched roof.

Details have been submitted with regards to construction materials.

History of negotiations/amendments received

No negotiations have taken place and no amended plans received.

Relevant Planning History

97/931719 Detached Dwelling – Conditional Full Permission

2022/92568 Demolition of existing conservatory, erection of two storey rear extension and increase in roof height - GRANTED 23 November 2022

Consultation Responses

None required.

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).

Schedule 2, Part 1, Class A of the Order sets out the Permitted Development Rights which relates to the 'enlargement, improvement or other alteration to a dwellinghouse'.

In assessing the proposal, the planning permission granted on 18th February 1998, for a 'Detached Dwelling' at Plot 7 (22), Upper Meadows Upperthong, Huddersfield, HD9 3HR, was subject to compliance with conditions.

Condition 9 (97/93719) states that:

'(9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no buildings or extensions shall be erected in the area edged red on the approved plan without the prior written approval of the Local Planning Authority.'

The approved plan of 18th February 1999 and provided in support of this application as the 'Location Plan', on 3rd April 2025, includes the property at 22 Upper meadows, in the area edged red.

Article 3(4) of the Order states "*Nothing in this Order permits development contrary to any condition imposed by any planning permission granted or deemed to be granted under Part 3 of the Act otherwise than by this Order.*"

The erection of the extension to the dwellinghouse would therefore be contrary to condition 9 of planning permission 97/93719 and therefore any general planning permission which may be granted by the Order disapplies.

In the absence of any other planning permission from the Local Planning Authority, the erection of the extension cannot be considered lawful.

Conclusion:

The proposal has been considered against the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) and is recommended for refusal, due to the removal of the permitted development rights on the property, through Condition 9 attached to planning permission 97/93719.

Recommendation: Refuse certificate

**Officer Recommendation: Refuse Certificate
Decision Authorisation - Delegated Powers
Application Number: 2025/90209**

The single storey rear extension and associated alterations, as shown on plans listed below at 22, Upper Meadows, Upperthong, Holmfirth, HD9 3HR, does not benefit from a general planning permission under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), due to the removal of the permitted development rights on the property, through Condition 9 attached to planning permission 97/93719.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Proposed Side Elevations	114_311 Proposed Side Elevations Rev A		27.01.2025
Proposed Rear Elevations	114_310 Proposed Rear Elevations Rev A		27.01.2025
Location Plan	114_100 Location Plan		27.01.2025
Site Plans	114_101 Site Plans		27.01.2025
Existing Ground Floor Plan	114_201 Existing Ground Floor Plan Rev A		27.01.2025
Existing First Floor Plans	114_202 Existing First Floor Plan		27.01.2025
Proposed First Floor Plans	114_212 Proposed First Floor Plan Rev A		27.01.2025
Proposed Ground floor Plans	114_211 Proposed Ground Floor Plan Rev C		27.01.2025

Plan Type	Reference	Version	Date Received
Existing Elevations	114_300 Existing Elevations		27.01.2025
Proposed Long Section	114_411 Proposed Long Section		27.01.2025
Proposed Cross Section	114_410 Proposed Cross Section		27.01.2025

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.

Report Date: 23/04/2025