

**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/90446/E

Site: 1, Bankfoot, Bankfoot Road, Almondbury,
Huddersfield, HD4 6SU

Description: Certificate of lawfulness for proposed erection of
front porch

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 07-May-2025

2025/90446

Site Description

The dwellinghouse is a two-storey terraced dwellinghouse built with natural stone. The dwellinghouse has a small enclosed front garden accessed off Bankfoot Road. The rear of the property has a large garden amenity space at approx. 37 metres long.

The dwellinghouse is within the Green Belt, in a rural setting, surrounded by green fields with sporadic clusters of residential development and farmsteads.

Description of Proposal

Permission is sought for a Certificate of Lawfulness for the erection of a front porch.

The porch would project by 1.2m, be 2.4m in width and have a total height of 3m with an eaves height of 2.35m. The porch is to be built from stone.

History of negotiations/amendments received

No negotiations have taken place and no amended plans received.

Relevant Planning History

None.

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:
Whether the proposed development would constitute development as defined section 55 of the Town and Country Planning Act 1990;
If so, whether Permitted Development rights apply to the property; and
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.

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	ID	Date Received
Application form	-	1078707	05/03/2025
Grouped plans and elevations – Proposed	00-02	1078714	05/03/2025
Grouped plans and elevations – Existing	00-01	1078711	05/03/2025
Location plan	-	1078708	05/03/2025
Compliance statement	-	1078715	05/03/2025