

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/90491/W

Site: 44, Cleveland Road, Edgerton, Huddersfield, HD1
4PW

Description: Certificate of lawfulness for proposed erection of
single storey rear extension (within a Conservation Area)

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 01-Jul-2025

Officer Report

Site Description

The application site is 44, Cleveland Road, Edgerton. It is a terraced house with buff stone walls and grey tile roof. The property benefits from a private driveway providing access, and amenity space to the front and rear.

Description of Proposal

Permission is sought for a Certificate of Lawfulness for erection of a single storey rear extension. The height of the extension would be approximately 2.6m, with a width of approximately 1m and a depth of approximately 2.6m. The extension would infill a small gap on the western boundary of the existing rear extension (part of the original dwellinghouse) and be built using stone to match that used in the construction of the original dwellinghouse.

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) (England) Order 2015 (as amended).

The proposal comprises the erection of a single storey rear extension. This would infill the gap between the boundary wall and the western elevation of the existing rear extension (part of the original dwellinghouse).

Section 55 of the Town and Country Planning Act 1990 (TCPA) states that *“the following operations or uses of land shall not be taken for the purposes of this Act, to involve development of the land-*
(a) the carrying out for the maintenance, improvement or other alteration of any building of works which—
(i) affect only the interior of the building, or
(ii) do not materially affect the external appearance of the building, and are not works for making good war damage or works begun after 5th December 1968 for the alteration of a building by providing additional space in it underground;”

The visual impact of the extension on the host dwelling, by virtue of its size, scale and materials is so inconsequential that it can be argued that it would not materially affect the external appearance of the building and would therefore, not amount to development defined by Section 55 of the Town and Country Planning Act 1990. This gap that the extension will infill can be seen in the photograph below provided by the applicant:



It is considered the works would not result in a material change to the appearance of the building when viewing the building from normal vantage points. The works are regarded as the carrying out for the maintenance, improvement or other alteration of any building of works which do not materially affect the external appearance of the building and therefore not development as defined by section 55 (2)(a)(ii) of the Town and Country Planning Act 1990. Thus, the proposal does not constitute development, and the application can be granted.

Decision Notice text

The single storey rear extension as shown and described within the submissions listed below does not materially affect the external appearance of the building and therefore does not constitute development as defined by section 55 of the Town and Country Planning Act 1990 by virtue of paragraph 55(2)(a)(ii) of Section 55.