

**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/90550/E

Site: 3, Whitehall Grove, Birkenshaw, BD11 2LE

Description: Certificate of lawfulness for proposed erection of
front porch

Case Officer: Sharoz Ilyas

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 12-Jun-2025

Reference:	2025/CLD/90550/E
Applicant: -	K Jagger
Location: -	3, Whitehall Grove, Birkenshaw, BD11 2LE
Proposal: -	Certificate of lawfulness for proposed erection of front porch

Site Description

The applications site is occupied with a brick built, semi-detached dwellinghouse. There is garden amenity space at the front, side and rear. The front is paved and has a driveway for off street parking. The immediate area is residential in character with uniform house types and styles along Whitehall Grove.

Description of Proposal

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

The porch would measure 1227mm projecting, 2405mm wide and have a total height of 3405mm. The height to the eaves would be 2270mm. Materials used in the construction are to match the existing.

History of negotiations/amendments received

No negotiations have taken place.

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:

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

2. 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.

As the porch extends beyond the principal elevation, the porch cannot benefit from Class A and 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 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 refusal.

Recommendation: Refuse certificate
Decision Authorisation - Delegated Powers
Application Number: 2024/90550

Officer Recommendation: Refuse certificate

The porch does not benefit from general planning permission under Article 3(1) and Schedule 2, Part 1, Classes A & D of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as the height of the proposed porch exceeds 3 metres above ground level contrary to sub-paragraph D.1(c) of Class D and extends beyond the principal elevation contrary to sub-paragraph A.1(e) of Class A.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location Plan	1079189		28/02/2025
Proposed Site/Block Layout	1079187	003	28/02/2025
Grouped Plans and Elevations - Proposed	1079186	002	28/02/2025
Grouped Plans and Elevations - Existing	1079185	001	28/02/2025

