

**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/90637/E

Site: 73, Hightown Road, Cleckheaton, BD19 5JP

Description: Certificate of lawfulness for proposed erection of
single storey side and rear extension

Case Officer: Laura Yeadon

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 11-Sep-2025

Officer Report

[Weblink](#)

Site Description

73 Hightown Road is a detached bungalow which is constructed from brick and render. The property is accessed off a driveway from Hightown Road as is set within a triangular shaped plot. The property has been extended by way of glazed structures on the south-east and south-west of the property. Amenity areas are located to the east and west of the property.

Surrounding the site are residential properties.

Description of Proposal

Permission is sought for a Certificate of Lawfulness for the erection of a single storey extension to the rear of the property. Without any strong evidence to suggest other elevations have any architectural features to demonstrate otherwise, the principal elevation of the property appears to be the south-western elevation which faces the roadside and therefore, the proposed works would constitute a side and rear extension.

It is proposed that the existing side and rear conservatory would be removed from the property. In its place, 2 no. rear extensions are proposed to create a bedroom and dining room. The extensions would be constructed of the staggered side and rear elevations of the property and would both project 4 metres from the side elevation. The extensions would have a flat roof with a total height of 2.775 metres.

It appears from the submitted plans that the structures would be constructed from brick and render.

It is however noted that the submitted plans indicate that the existing glazed porch would be made solid with a new roof. This element, as shown on plan does not form part of the assessment of the application as this was not included on the description of development. It is likely that this element of the scheme would require planning permission as it appears that the structure would be forward of the principal elevation of the original dwelling.

The property has not had its Permitted Development Rights removed.

As part of a Certificate of Lawful Development, the onus is on the applicant to provide evidence which states why the proposal fits with the permitted development legislation. In this case, the applicant has stated on the application form that the proposal is within the parameters of being lawful under Permitted Development Class A.

History of negotiations/amendments received

The Agent was contacted as no existing and proposed plans were submitted and the plans were received by the LPA on 29th July 2025. Concerns were raised to the Agent following the submission of the plans as the proposed flat roof extensions would have an eaves height higher than the existing eaves on the property. Amended plans were sought to overcome this issue and these were received on 30th July 2025.

Relevant Planning History

1998/90215 Erection of extension and entrance gates
Conditional Full Permission

2002/93654 Erection of single storey extension
Conditional Full Permission

2003/94683 Erection of single storey extensions
Conditional Full Permission

Consultation Responses

None required

Issues and Assessment

The main considerations in the determination of this application are:

1. Whether the proposed development would constitute development as defined within section 55 of the Town and Country Planning Act 1990;
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), Schedule 2, Part 1 (Development within the curtilage of a dwellinghouse), Class A (enlargement, improvement or alteration of a dwellinghouse).

Development not permitted

A.1 Development is not permitted by Class A 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: *The dwellinghouse was not granted permission by any of the above.*

- 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);

Comment: *The total ground covered by buildings within the curtilage of the dwellinghouse would not exceed 50% of the total area of the curtilage of the curtilage of the dwellinghouse.*

- 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;

Comment: *The height of the enlargements would not exceed the highest part of the of the roof of the existing dwellinghouse/*

- 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

Comment: *The overall height of the flat roof structures would not exceed the height of the eaves of the existing dwellinghouse.*

- e) The enlarged part of the dwellinghouse would extend beyond a wall which –
 - (i) forms the principal elevation of the original dwellinghouse; or
 - (ii) fronts a highway and forms a side elevation of the original dwellinghouse;

Comment: *The enlargements would not extend beyond a wall which forms the principal of the original dwellinghouse. The enlargement do project beyond a side elevation but do not front a highway.*

- 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 dwelling, or 3 metres in the case of any other dwellinghouse.
 - (ii) Exceed 4 metres in height;

Comment: *The dwellinghouse is a detached property and the enlarged part of the rear extension would not project more than 4 metres and would not exceed 4 metres in height from the original rear wall of the dwellinghouse.*

- g) For a dwelling not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single story 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

Comment: *The dwellinghouse is a detached property and the enlarged part of the proposal would not project more than 4 metres and would not exceed 4 metres in height from the original rear wall of the dwellinghouse.*

h) The enlarged part of the dwellinghouse would have more than a single storey and-

- (i) Extend beyond the rear wall of the 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

Comment: *The enlarged parts of the dwellinghouse would not be more than a single storey.*

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;

Comment: *The enlarged parts of the dwellinghouse would be within 2 metres of a boundary although the eaves would not exceed 3 metres.*

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

Comment: *The enlarged parts of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse however they would not exceed 4 metres in height, have more than a single storey and would not have a width greater than half the width of the original dwellinghouse.*

ja) 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 (e) to (j)

Comment: *Not applicable*

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

Comment: *None of the above are proposed.*

- l) The dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)

Comment: *The dwellinghouse was not built under Part 20 of the Schedule*

A.1 Development is not permitted by Class A if –

Conditions

A.2 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.

Comment: *The dwelling is not on article 2(3) land.*

A.3 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
 - (iii) where the enlarged part of the dwellinghouse has more than a single storey, the roof pitch of the enlarged part must, as far as practicable, be the same as the roof pitch of the original dwellinghouse.

Comment: *The proposed construction materials would match the existing dwellinghouse and no upper floor windows are proposed within any wall of the 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.

The single storey side and rear extensions benefit from a general planning permission granted by virtue of Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) subject to conditions as stated in paragraph A.3 of the same Order.

Plans and specifications schedule:-

| Plan Type | Reference | Version | Date Received |
|--------------------------------------|------------------|----------------|-----------------------------|
| Location plan and existing site plan | 17020-00100 | | 10 th March 2025 |
| Proposed site plan | 17020-00110-P1 | | 10 th March 2025 |
| Existing floor plans | 17020-10100 | | 29 th July 2025 |
| Existing elevations | 17020-10400 | | 29 th July 2025 |
| Proposed floor plans | 17020-20100-P2 | | 29 th July 2025 |
| Proposed elevations | 17020-20400-P4 | | 30 th July 2025 |

Dated: 10th September 2025