

**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/90661/W

Site: 190, Lindley Moor Road, Lindley Moor,
Huddersfield, HD3 3UE

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

Case Officer: Jessica Irwin

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 13-May-2025

Officer Report

Site Description

190 Lindley Moor Road is a semi-detached brick dwelling with enclosed garden amenity space to the front and rear. The property benefits from vehicular access from the Laund Road to a garage building to the rear of the site.

Description of Proposal

Permission is sought for a Certificate of Lawfulness for erection of a single storey rear extension.

Relevant Planning History

N/A.

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 against this:

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: Permission has not been granted 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 area of ground would not exceed 50% of the total area 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 highest part of the extension would not exceed the height of the highest part 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 height of the eaves 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

(i) fronts a highway and forms a side elevation of the original dwellinghouse;

Comment: The extension would not extend beyond a wall which forms the principal or side elevation or fronts 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

I. 3 metres in the case of any other dwellinghouse.

II. Exceed 4 metres in height;

Comment: The dwelling is a semi-detached property, and the extension would project beyond the rear wall of the original dwellinghouse by more than 3 metres. The original dwellinghouse has already been extended by approximately 3.2 metres in the position of the proposed single storey extension, the proposal wishes to replace and extend this by a further 2.6 metres thus resulting in an enlargement projecting 5.8 metres from the original rear wall of the dwellinghouse. It would not exceed 4 metres in height.

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 dwelling is a semi-detached property, and the extension project beyond the rear wall of the original dwellinghouse by approx. 5.8 metres. It would not exceed 4 metres in height. The matter to be assessed has been submitted for a Lawful Development Certificate and not a prior approval for a larger householder extension.

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 extension would not have 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 extension is within 2 metres of the boundary of the curtilage of the dwellinghouse and the eaves of the enlarged part would exceed 3 metres by approximately 10 centimetres.

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 part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse due to its shape and would 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: The submission appears to demonstrate the proposed extension is a replacement to the existing enlargement. In the event it is adjoined to the existing enlargement the proposed extension would exceed the limit in sub-paragraph (f).

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: The proposed works includes the installation, alteration or replacement of a flue. Please see the assessment of Class G (chimney, flues etc) below.

l) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

Comment: Not applicable.

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 dwellinghouse 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 construction materials would be of a similar visual appearance to the existing dwellinghouse. As the proposal is for a single storey extension, no upper floor windows in a wall or roof slope forming a side elevation are proposed.

Class G – chimney, flues etc.

G.1 Development is not permitted by Class G if -

a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (change of use)

(b) the height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by 1 metre or more; or

(c) in the case of a dwellinghouse on article 2(3) land, the chimney, flue or soil and vent pipe would be installed on a wall or roof slope which-

(i) fronts a highway, and

(ii) forms either the principal elevation or a side elevation of the dwellinghouse.

Comment: The dwellinghouse has not been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (change of use). The height of the flue would not exceed the highest part of the roof by 1 metre or more. The dwellinghouse is not on article 2(3) land.

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.

The proposed single-storey rear extension does not benefit from a general planning permission under Article 3(1) and Class A, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended)) as it would be within 2 metres of the boundary of the dwellinghouse and the height of the eaves of the enlarged part would exceed 3 metres, it would also extend beyond the rear wall of the original detached dwellinghouse by more than 3 metres and due to the shape of the property, the enlarged part would extend beyond a wall forming a side

elevation of the original dwellinghouse and would have a width more than half the width of the original dwellinghouse contrary to sub-paragraphs A.1(f), (i) & (j) of Class A.

Plan type	Reference	ID	Date received
Application form	-	1080531	11/03/2025
Proposed elevations	A103	1080534	11/03/2025
Proposed floor plans	A101	1080533	11/03/2025
Existing plans and elevations	A102	1080532	11/03/2025