

**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/90681/E

Site: 5, Dearnfield, Upper Cumberworth, Huddersfield,
HD8 8NX

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

Case Officer: Sharoz Ilyas

Decision Reference: 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 03-Jun-2025

Reference:	2025/CLD/90681/E
Applicant: -	S Facey
Location: -	5, Dearnfield, Upper Cumberworth, Huddersfield, HD8 8NX
Proposal: -	Certificate of lawfulness for proposed erection of two storey rear extension and single storey side extension

Site Description

The application site is occupied with a detached dwellinghouse built using brick with part render. There is a dual-pitched roof tiled using concrete tiles with the gable end at the front and rear. The surrounding area is predominantly residential in a rural setting and character.

Description of Proposal

Permission is sought for a Certificate of Lawfulness for the erection of a two-storey rear extension with single-storey side extensions and enlargement to the side of the property.

The rear and side enlargement consists of a two-storey rear extension measuring 6500mm wide, 3000mm projecting and have a total height of 7640mm. Eaves are to match the existing dwellinghouse. The adjoining single-storey side extension (East Elevation) would measure 3000mm wide, 4050mm projecting and have a total height of 3630mm.

The single-storey side extension (West Elevation) would measure 4420mm wide, 8570mm projecting and have a total height of 4370mm.

History of negotiations/amendments received

None

Relevant Planning History

2024/62/92378/E: Erection of two storey side extension, single storey rear extension and first floor extension (refused)

2024/62/93470/E: Erection of extensions (refused)

Consultation Responses

None required.

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 A.

The plans include the erection of a two storey rear extension with a single-storey side extension and a single storey enlargement to the side . Thus, the proposal constitutes the carrying out of building on, under or over land. 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 A.

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 to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule.*

- a) 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: *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 not exceed 50% of the total area of the curtilage.*

- b) 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 dwellinghouse enlarged would not exceed the height of the highest part of the roof of the existing dwellinghouse.*

- c) 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 of the part of the dwellinghouse enlarged, would not exceed the height of the eaves of the existing dwellinghouse.*

- d) 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 enlarged part of the dwellinghouse would not extend beyond a wall which forms the principal elevation of the original dwellinghouse, nor would it front a highway and forms a side elevation of the original dwellinghouse.*

- e) 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 side extension on the east elevation is adjoined to the proposed rear two storey enlargement and as such is considered to be development consisting of a single and two storey enlargement. The two and single storey development would not therefore be considered under this sub-paragraph.*

- f) Until 30th May 2019, 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 meters in the case of a detached dwellinghouse, or 6 meters in the case of any other dwellinghouse, or
 - I. Exceed 4 metres in height

Comment: *The side extension on the east elevation is adjoined to the proposed rear two storey enlargement and as such is considered to be development consisting of a single and two storey enlargement. The two and single storey development would not therefore be considered under this subparagraph.*

- g) 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 proposed rear and side extension would be two-storey and would extend beyond the rear wall of the dwellinghouse by more than 3m.*

- h) 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 single-storey side and two storey rear extension would be within 2 metres of the boundary of the curtilage and the height of the eaves would exceed 3m.*

- i) The enlarged part of the dwellinghouse would extend beyond wall forming a side elevation of the original dwellinghouse, and would-
- I. Exceed 4 metres in height
 - I. Have more than a single storey, or
 - II. Have a width greater than half the width of the original dwellinghouse

Comment: *The single and two storey extension would extend beyond a wall forming a side elevation of the original dwellinghouse, exceeds 4m in height, is more than a single storey and has a width greater than half the width of the original dwellinghouse. The side enlargement projecting from the west elevation exceeds 4 metres in height.*

j) 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 proposed enlargements are not adjoined to any existing enlargement to the original dwellinghouse.*

k) It would consist of or include –

- i. The construction or provision of a veranda, 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 development would not consist of or include the construction or provision of a veranda, balcony or raised platform. It would not include the installation, alteration, or replacement of a microwave antenna, chimney, flue, or soil and vent pipe. There would be no alteration to any part of the roof of the original dwellinghouse.*

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

k)

Comment: The dwellinghouse was not built under Part 20 of this Schedule (construction of a new dwellinghouse)

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;
- a) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
- b) 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 and therefore this condition does not apply.*

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;
- a) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—
 - I. obscure-glazed, and
 - I. 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
 - II. 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.

Conclusion:

The proposal has been considered against the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and Section 55 of the Town and Country Planning Act 1990 (as amended). The two-storey rear and single storey rear/side enlargement exceeds the limitations in sub-paragraphs A.1 (h), (i) and (j). The proposed side enlargement exceeds the limitations in sub-paragraph (j). The application is recommended for refusal.

Recommendation: Refuse certificate
Decision Authorisation - Delegated Powers
Application Number: 2024/93468

Officer Recommendation: Refuse certificate

The proposed rear and side single and two storey enlargement and single storey side enlargement do not benefit from 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). The rear and side single and two storey enlargement exceeds the limitations in sub-paragraphs A.1 (h), (i) and (j) of Class A by reason of projection, height and width. The proposed side enlargement exceeds the limitations in sub-paragraph (j) of Class A by reason of height.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location Plan	1080689	WHPR24-0064-01	12/03/2025
Grouped Plans and Elevations – Existing	1080684	WHPR24-0064-02	12/03/2025

Plan Type	Reference	Version	Date Received
Grouped Plans and Elevations - Proposed	1080683	WHPR24-0064-03B	12/03/2025