

**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/91133/W

Site: 8, Mendip Avenue, Lindley, Huddersfield, HD3
3QG

Description: Certificate of lawfulness for proposed partial
garage conversion and infilling existing open porch

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 10-Jul-2025

Officer Report

[Weblink](#)

Site Description

8 Mendip Avenue is a large, two-storey detached property located within an area without notation on the Kirklees Local Plan. The property is constructed from coursed brickwork with a concrete tiled roof. Solar panels are evident on the side and rear roof slopes and the property benefits from a single storey attached double garage accessed via a driveway off Mendip Avenue. Amenity areas are located to the front and rear of the dwelling.

Surrounding development is mainly residential with a strip of land beyond the rear boundary allocated as Urban Greenspace.

Description of Proposal

Permission is sought for a Certificate of Lawfulness for a partial garage conversion and infilling the existing open porch. The submitted details indicate that the walling up of the garage door and replacement with a window, and the infilling the side elevation of the open porch would be constructed from materials to match the host dwelling.

The submitted details do not indicate that the footprint of the dwelling would increase by virtue of extending the property.

Officer note:

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.

History of negotiations/amendments received

No negotiations have taken place, and no amended plans received.

Relevant Planning History

- 1986/02960 Outline application for residential development (5.92 hectares)
Granted Conditionally
- 1987/03552 Reserved matters application for 80 dwellings
Granted Conditionally
- 1990/00599 Residential development
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; If so, whether permitted development rights apply to the property; and
1. 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) and Class D (erection or construction of a porch outside any external door of a dwellinghouse).

The fundamental aim of a general planning permission under Class A, Part 1 of Schedule 2 is to provide a general planning permission for alterations, improvements and enlargements to an existing dwellinghouse subject to several limitations assessed below. The assessment is concerned with the alterations to part of the existing integral garage and to replace this with matching walling and a window opening. Class A does not provide any scope to grant a planning permission for any change of use to the existing garage. However, the change of use of the garage is subject to an assessment of whether a material change of use occurs leading to development as defined by Section 55 of the Town and Country Planning Act 1990.

In this case the submitted details demonstrate that once converted, part of the garage would be used as a utility room which would be ancillary to the main dwelling. The existing driveway to the front of the property is likely to be used for the parking of the household vehicles and the existing gardens would be retained as such. Therefore, the resultant garage conversion is considered to be ancillary to the enjoyment of the dwellinghouse.

Class A – Garage conversion and alteration of a garage door to a window

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 has not been granted by any of the above.

- 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: *There is no proposed increase in the original footprint of the dwellinghouse.*

- 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: *No enlargement to the dwellinghouse is proposed.*

- 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: *No enlargement to the dwellinghouse is proposed.*

- 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: *No enlargement to the dwellinghouse is proposed.*

- 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 3 metres in the case of any other dwellinghouse.
 - (i) Exceed 4 metres in height;

Comment: *No enlargement to the dwellinghouse is proposed.*

- f) 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
 - (i) Exceed 4 metres in height

Comment: *The dwelling is not on article 2(3) land no enlargement to the dwellinghouse is proposed.*

- 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: *No enlargement to the dwellinghouse is proposed.*

- 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: *No enlargement to the dwellinghouse is proposed.*

- i) 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
 - (i) Have more than a single storey, or
 - (ii) Have a width greater than half the width of the original dwellinghouse

Comment: *No enlargement to the dwellinghouse is proposed.*

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: *No enlargement to the dwellinghouse is proposed.*

- j) 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.*

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

Comment:

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 property 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;
- 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.

Comment: *The walling up of the garage door would be completed with materials to match the host dwelling.*

Class D – infilling of existing open porch

Development not permitted

D.1 Development is not permitted by Class D –

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

Comment: *The dwellinghouse has not been granted by any of the above.*

- a) the ground area (measured externally) of the structure would exceed 3 square metres;

Comment: *The external ground area of the proposed development would not exceed 3 square metres.*

- b) any part of the structure would be more than 3 metres above ground level;

Comment: *The total height of the existing structure in which the development would adjoin would exceed 3 metres however the total height of the structure consisting of the proposed development in this case would be 2.3 metres.*

- c) any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway, or

Comment: *No part of the structure would be within 2 metres of any boundary of the curtilage and the dwellinghouse with a highway.*

- d) 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.*

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 proposed alterations to the exiting garage to create ancillary accommodation to the host dwellinghouse and the alterations to the existing canopy benefit from a general planning permission granted under Schedule 2, Part 1, Classes A and D of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) subject to conditions as stated within Class A3 of the same Order.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	304-25-PL02 – Rev A		7 th May 2025

Plan Type	Reference	Version	Date Received
Existing and proposed elevations and floor plans	304-25-PL01 – Rev B		7 th May 2025

Dated: 10th July 2025