

**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/91203/E

Site: 201, Whitechapel Road, Scholes, Cleckheaton,
BD19 6HN

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

Case Officer: Jessica Irwin

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 02-Jul-2025

Officer Report

Site Description

The application site is 201, Whitechapel Road, Scholes, Cleckheaton. It comprises a 2-storey semi-detached house (thought to date from the 1950's) with natural stone walls to the front and partly pebble-dashed and rendered to the side and rear. The roof is ridged and hipped with smaller gable on front elevation over bay windows, all surfaced in grey/blue tiles. The property also has a small garden to the front with driveway to the side leading to detached garage and elongated garden to the rear. The land is relatively level, and site sits within a line of similar residential dwellings that line the southern side of Whitechapel Road, with cemetery on opposite side of the road and open fields at the back.

Description of Proposal

Permission is sought for a Certificate of Lawfulness for erection of single storey rear extension. There is an existing rear enlargement which would be removed to facilitate the proposed extension.

The rear extension would project 3 metres from the rear wall of the original dwelling house, with a length of 6.97 metres, a height to the eaves of approximately 2.5 metres and a height to the ridge of approximately 3.5 metres.

Planning history

2024/92777 – Certificate of lawfulness for proposed erection of single storey rear extension – Refused under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as the original dwellinghouse consists of a partial rearward projection with a side elevation which the proposed extension would project beyond contrary to sub-paragraph A.1(j) of Class A.

History of negotiations/amendments received

National Planning Policy Guidance (Lawful Development Certificates) paragraph 005 states an application “*must be accompanied by sufficient factual information/evidence for a local planning authority to decide the application*”. Paragraph 006 confirms that the onus is upon the applicant to demonstrate the proposed development is lawful. As no evidence was provided with the previous application to demonstrate the Council's own evidence of the existing rearward projection was incorrect the local planning authority had no option but to refuse the application. The applicant has now provided factual information with this application in accordance with National Planning Policy Guidance.

In assessment of previous application 2024/92777, a 1955 historic map indicated a projection on the rear of the original dwellinghouse; the size of the side element of this rear projection appeared to amount to a side elevation of the original dwellinghouse. Thus, we determined that the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse and have a width greater than half the width of the original dwellinghouse. However, the supporting information of this application

provides a statutory declaration with exhibits, including: the original conveyance of the house dated 1937 with a plan showing no rear extension, a conveyance dated 1953 relating to the sale of 199 Whitechapel Road which includes a drawing that shows the rear of 201 Whitechapel Road with no rear projection, architectural plans dated 1969 showing the conversion of a canopy (a roof-like projection to provide shelter) to inside space (retaining the canopy roof, adding footings, flooring, walls, false ceiling and windows), a current photograph of the original rear wall evidencing the dressed stone original to the exterior of the house in which the extension was built on and a photograph of the floorboards and photograph taken from 2016/93952 of the canopy of 203 Whitechapel Road. Upon review of the information provided, the plan linked to the original conveyance of the house dated 1937 and the conveyance dated 1953 in connection to the sale of 199 Whitechapel Road indicate that the original dwellinghouse as it stood in 1948 did not have a rear projection as demonstrated in the 1955 historic map. Based on the evidence provided, the rear extension appears to have been added between 1953 and 1955 (as per the Council's mapping data). The Council has no evidence to the contrary of the applicant's statutory declaration.

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 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 not project beyond the rear wall of the original dwellinghouse by more than 3 metres. 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

I. Exceed 4 metres in height

Comment: *The dwelling is a semi-detached property, and the extension would not project beyond the rear wall of the original dwellinghouse by more than 3 metres. It would not exceed 3 metres in height.*

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 but the eaves of the enlarged part 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 height would not exceed 4 metres in height or have more than single storey, nor would the enlarged part of the dwellinghouse extend beyond a wall forming a side elevation 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 proposal would not adjoin an existing enlargement to the original dwellinghouse.*

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 do not include any of the above.*

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

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 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.*

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.

Decision Notice text:

The proposed single-storey rear extension benefits from a general planning permission under 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.

Plan type	Reference	ID	Date received
Application form	-	1087392	01/05/2025
Existing and proposed site plans	2022-08 03 rev A	1087397	01/05/2025
Proposed floor plans & elevations	2022-08 02	1087395	01/05/2025
Resubmission statement	-	1087394	01/05/2025
Statutory declaration	-	-	01/05/2025