

**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/91239/W

Site: 5, Burniston Drive, Oakes, Huddersfield, HD3 3PR

Description: Certificate of lawfulness for proposed removal of existing conservatory and erection of single storey rear extensions with formation of extended parking area to front and associated alterations

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 01-Jul-2025**

## **Officer Report**

[Weblink](#)

### **Site Description**

5 Burniston Drive is a semi-detached property which is constructed from stone and render with a rosemary tiled hipped roof which has a front elevation facing Burniston Drive. There is a garden area to the front of the property which leads to an attached single storey garage with a larger garden area to the rear where a small, glazed conservatory structure is located. The property is located within an area of land without notation on the Kirklees Local Plan

### **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, the formation of an extended parking area to the front of the property along with associated alterations.

The associated alterations in this case include the creation of a lean-to roof to the existing garage (original structure) and an extension to the rear of the garage. As this entire structure would be located to the side of the property, for the avoidance of doubt, this element of the scheme shall be assessed as a single storey side extension.

The proposed extension to the rear elevation of the property would project from the rear of the dwelling by 3 metres and would be a total width of 4.2 metres with an eaves height of 2.4 metres rising to an overall height of 3.4 metres to the ridge of the lean-to roof.

The proposed side extension (with the existing structure altered and extended) would be set back slightly from the front elevation and would span the full depth of the dwellinghouse lying flush with the rear elevation of the original property. The extension would project to the side by 2.8 metres with an eaves height of 2.4 metres and overall height of 3.4 metres to the ridge of the lean-to roof.

The existing garage door is also proposed to be removed and replaced with walling and window opening.

It is proposed that the extensions would be constructed with render for the walls and concrete tiles for the roof.

The proposed extended parking area is annotated on plan (drawing number 25 J 04 – 02 – dated Feb 2025) stating that the additional parking area is not to exceed 5m<sup>2</sup> and be surfaced with a porous material.

The property has not had its Permitted Development Rights removed.

### **History of negotiations/amendments received**

No negotiations have taken place and no amended plans received.

### **Relevant Planning History**

No history

### **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 also Class F (hard surfaces incidental to the enjoyment of a dwellinghouse).

### **Development not permitted under Class A**

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 of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);

***Comment:*** *Permission for the dwellinghouse has not been granted for 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:*** *The total area of ground covered by the extension and patio would not exceed 50% of the total area of the curtilage 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:** *The highest part of the extension and alteration 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 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 proposed works to extend the property would not extend from a wall forming the principal elevation of the dwellinghouse. Although the side extension would extend from the side elevation, this does not front a highway.*

- 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:** *The dwelling is a semi-detached property and would not project beyond the rear wall of the original dwellinghouse by more than 3 metres. It would not exceed 4 metres in height.*

- 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. The property is a semi-detached dwelling and would not project beyond the rear wall of the dwellinghouse by more than 3 metres.*

- 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 extensions would not have more than one storey*

- 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:** *Both the side and rear extensions would be within 2 metres of the boundary of the curtilage of the dwellinghouse however the eaves of the enlarged parts would not exceed 3 metres.*

- 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 side extension would not exceed 4 metres in height, would not 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*

- 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:** *The enlargement to the garage includes an alteration to the existing roof of the integral garage. However, the Government's Technical Guidance states that where an enlargement "includes works that would require an alteration of the existing roof of the house, the alteration to the existing roof of the house will need to meet the requirements of Class B or C." In this instance*

*the enlargement of the roof would not exceed the limitations in Class B of Part 1.*

- i) 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;
- 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.*

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—
  - l. obscure-glazed, and
  - l. 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
- b) 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 material would match the existing used on the dwellinghouse, no enlargements would be more than a single storey and no upper floor windows are proposed.*

### **Development permitted under Class F**

Development consisting of –

- a) The provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such; or
- a) The replacement in whole or in part of such a surface

### **Development nor permitted**

F.1 Development is not permitted by Class F 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); or

**Comment:** *The dwellinghouse was not constructed via any of the above*

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

**Comment:** *Not applicable*

### **Conditions**

F.2 Development is permitted by Class F subject to the condition that where –

- a) The hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway; and

**Comment:** *The hard surface would be situated on land between the wall forming the principal elevation of the dwellinghouse and a highway*

- a) The area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 metres, either the hard surface is made of porous materials, or provision is made to direct run-off water from the hard surface to a permeable or porous area or surface with the curtilage of the dwellinghouse.

**Comment:** *The submitted plans indicate that the area of land covered by the hard surface would not exceed 5m<sup>2</sup> although it is noted that plan ref 25 J 04 – 02 indicates the existing grassed area would be replaced with a surface measuring 19 square metres. Notwithstanding this, the proposed hardsurface is annotated to be constructed with a porous material.*

### **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 rear extensions and alterations to existing garage benefit from a general planning permission granted by virtue of Article 3(1) and Schedule 2, Part 1, Class A and Class F of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) subject to respective conditions as stated in paragraphs A.3 and F.2 of the same Order.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location plan, existing and proposed site plan	25 J 04 – 02		16 <sup>th</sup> May 2025
Existing and proposed block plan, elevations, roof plans and ground floor layout	25 J 04 – 01		16 <sup>th</sup> May 2025

**Dated:** 2<sup>nd</sup> June 2025