

**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/91240/E

Site: Netherfield Manor, 10, Riley Lane, Kirkburton,  
Huddersfield, HD8 0RY

Description: Certificate of lawfulness for proposed erection of  
single storey rear extension 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 15-Jul-2025**

## **Officer Report**

[Weblink](#)

### **Site Description**

Netherfield Manor, 10 Riley Lane is a large, detached property which is accessed off a privately owned shared access off Riley Lane. The property is two storeys in height and is constructed from stone with a double fronted westerly facing principal elevation. The property is set within a semi-rural location and hosts a detached double garage to the side of the property. Amenity space surrounds the dwellinghouse.

### **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 extension would project from the rear (east facing) elevation of the property by 4 metres and would be a total width of 5.6 metres with an eaves height of 2.8 metres rising to an overall height of 4 metres to the ridge of the lean-to roof.

The covering letter and submitted Design and Access Statement stated that the extension would be constructed from coursed natural stone to match the existing with concrete interlocking tiles for the roof, also to match the existing.

The property has not had its Permitted Development Rights removed.

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

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

### **Relevant Planning History**

1988/01741 Outline application for erection of single dwelling – refused

1989/02795 Outline application for erection of one dwelling – granted conditionally

1990/02394 Erection of detached dwelling – approval of reserved matters

### **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).

### **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 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 covered by the extension would not exceed 50% of the total area of 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 would exceed the height of the highest part of the roof of the 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 extension would be located on the east facing elevation of the property which does not form the principal elevation of the original dwellinghouse not does it front a highway albeit extending beyond a wall forming a side elevation.*

- 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 property is detached and the extension would not exceed 4 metres in projection or 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 property is detached and the extension would not exceed 4 metres in projection or in height.*

- 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 enlargement would not be more than single 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:** *The enlargement would not be within 2 metres of a boundary of the curtilage.*

- 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 enlarged part of the dwellinghouse would extend beyond a wall forming the side elevation of the original dwellinghouse, however the enlargement is not more than half the width of the original dwellinghouse, more than 4 metres in height nor more than one storey..*

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:** *None of the above are proposed.*

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

**Comment:** *The dwellinghouse was not constructed under Part 20 of this Schedule.*

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—
  - (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 proposed construction materials would match the existing dwellinghouse and no upper floor windows 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.

The single storey rear extension benefits from a 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) subject to conditions as stated within paragraph A.3 of the same Order.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Covering letter	Dated 6 <sup>th</sup> May 2025		15 <sup>th</sup> May 2025
Location plan	TQRQM25141084205423		21 <sup>st</sup> May 2025
Existing elevations and floor plan and proposed site plan, elevations and floor plan	101/04/2025		15 <sup>th</sup> May 2025
Design and Access Statement	103/04/2025		15 <sup>th</sup> May 2025

**Dated:** 12<sup>th</sup> June 2025

