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/91243/W

Site: 51, Waterloo Road, Waterloo, Huddersfield, HD5 0AF

Description: Certificate of lawfulness for erection of single storey extension to rear and patio

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

51 Waterloo Road is a semi-detached dwelling which is viewed as a bungalow with dormer extension to the front elevation facing Waterloo Road and as a two-storey property to the rear elevation facing Westbrook Drive. The property is constructed from brick and render. The property is located within a residential area with garden areas to the front and rear. Also to the rear of the property is a driveway leading to a detached garage which is accessed off Wesbrook Drive via a dropped crossing.

Whilst the location of the property is within an area of unallocated land on the Council's mapping system, it is within the Strategic Green Infrastructure Network within 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. It is also proposed that a patio would be laid, also to the rear of the property.

The extension would project from the rear elevation of the property by 3 metres and would be a total width of 3.2 metres with an eaves height of 2.25 metres rising to an overall height of 3.4 metres to the ridge of the lean-to roof.

The submitted plans indicate that the extension would be finished in render to the walls with a concrete tiled roof.

The proposed patio area would abut the rear of the property and the proposed extension with a projection of 3 metres and lying flush with the side elevation of the dwellinghouse. The total height of the patio would be 0.15 metres.

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).

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 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 would not exceed the hight 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 extension would be to the rear of the property fronting Westbrook Drive. However, this is not the principal elevation of the property and this elevation does not form 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 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 extension 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**: The enlarged part of the dwellinghouse would be within 2 metres of the shared boundary of the attached neighbouring property however the eaves height of the extension 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 extension would not project 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**: Not applicable.*

j) 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 of replacement of a chimney, flue or soil and vent pipe, or
    iv. An alteration to any part of the roof of the dwellinghouse

***Comment**: A patio area (raised platform) is proposed however this would not exceed 0.3 metres in height and therefore is not considered to be 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).*

i) The dwellinghouse is built under Part 20 of this Schedule (construction of new dwelinghouses).

***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—

    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

b) where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

***Comment:** The construction materials would match the exiting used to construct the original dwellinghouse. The proposal is of a single storey extension and there are no upper floor windows proposed.*

The proposed patio is constructed on the existing grounds level to the rear of the dwellinghouse. Class F of Part 1 provides a general permission for hardsurfaces at a dwellinghouse subject to conditions requiring the use of porous material where the hardsurface is forward of the principal elevation. In this instance the proposed hardsurface is beyond the rear elevation.

Conclusion:

The proposal at 51 Waterloo Road 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 and hardsurface benefit from a general planning permission granted by virtue of Article 3(1) and Schedule 2, Part 1, Classes A and F of the Town and Country Planning (General Permitted

Development) (England) Order 2015 (as amended) subject to conditions stated in paragraph A.3 of the same Order.

Plans and specifications schedule:-

Plan Type	**Reference**	**Version**	**Date Received**
Location plan	PP-13998568v1		7th May 2025
Block plan	2025-003-(08)001		7th May 2025
Existing elevations and floor plans	2025-003-(20)001		7th May 2025
Proposed elevations and floor plans	2025-003(20)002		7th May 2025

Dated: 2nd June 2025