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/91421/E

Site: 179, Leeds Old Road, Heckmondwike, WF16 9BB

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

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

179 Leeds Old Road is a two storey semi-detached property which is constructed from brick and has a rosemary tiled hipped roof with a gable feature on the front elevation, which is shared with the attached neighbouring property, No. 181.

The north-western side of Leeds Old Road is predominantly residential with the front elevation of the property facing Co-op Academy Smithies Moor School.

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 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 has been design in line with permitted development rights.

The extension would project from the rear elevation of the property by 3 metres and would be a total width of 5.1 metres with an overall height of 3 metres with a flat roof.

No details have been submitted with regards to construction materials.

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

No history

Consultation Responses

None required as the application is for a Lawful Development Certificate.

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

2. 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 was not 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 covered by buildings within the curtilage of the dwellinghouse 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 height of the enlarged part of the dwellinghouse would not exceed the height of the highest part 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 (flat roof in this case) 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
    (ii) fronts a highway and forms a side elevation of the original dwellinghouse;

***Comment**: The enlarged part of the dwellinghouse would not extend beyond a wall which forms to the principal elevation of the dwellinghouse nor would it front a highway and form a side elevation of the original dwellinghouse.*

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

***Comment**: The dwellinghouse is semi-detached and would not extend beyond the rear wall of the original dwellinghouse by more than 3 metres and does 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
(ii) Exceed 4 metres in height

***Comment**: The dwelling is not on article 2(3) land. The enlarged part of the dwelling would be single storey and would not extend beyond the rear wall of the original dwellinghouse by more than 6 metres nor would it exceed 4 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 enlarged part of the dwellinghouse 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;

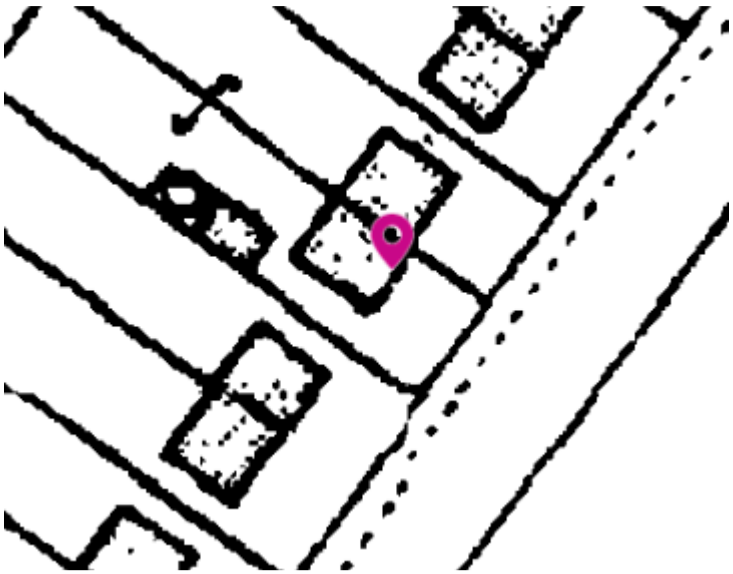
***Comment**: The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse and the height of the enlarged part would not exceed 3 metres.*

j) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would-

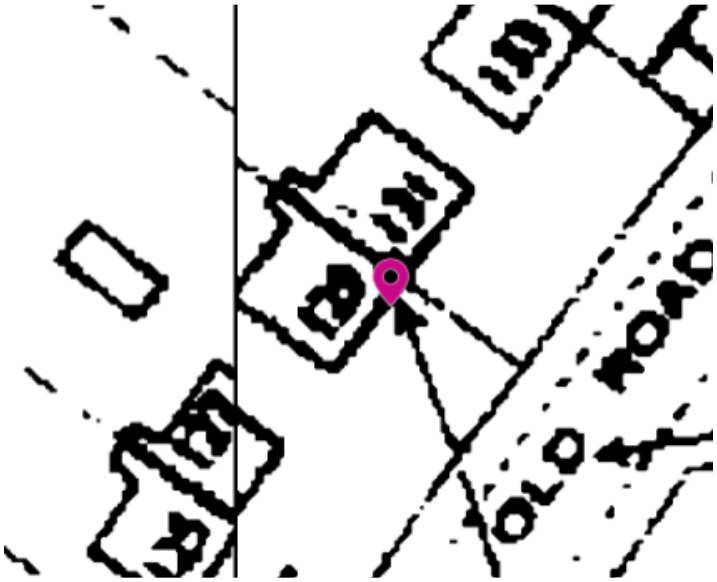
(i) Exceed 4 metres in height
(ii) Have more than a single storey, or
(iii) Have a width greater than half the width of the original dwellinghouse

***Comment**: The Council ordnance survey map dated 1933 indicates that the rear elevation of the property was flush in appearance however the 1955 map and the 1965 map indicate that a rearward projection is evident on the north-east corner of the rear elevation. Other properties within the immediate area also contain a similar feature. The 'Permitted development rights for householders – Technical Guidance' document states that …."Original" - means a building as it existed 1 July 1948 where it was built before that date. Therefore, it cannot be conclusively determined that the proposed enlargement would not project beyond a wall which forms a side elevation of the 'original' (as existing on 1 July 1948) dwellinghouse. If that were the case, the proposed enlargement would project most of the width of the dwellinghouse and would therefore extend more than half the width of the original dwellinghouse. However, The Local Planning Authority has no evidence to determine the status of the rearward projection on 1 July 1948 and therefore the claim that the works fall within permitted development cannot be disproven. In any event the small rearward projection is significant small (approx. 1m x 1m) and more likely to serve as a small coal store rather than forming part of the original dwellinghouse. The side elevation of this projection is not considered to be part of a side elevation of the original dwellinghouse.*

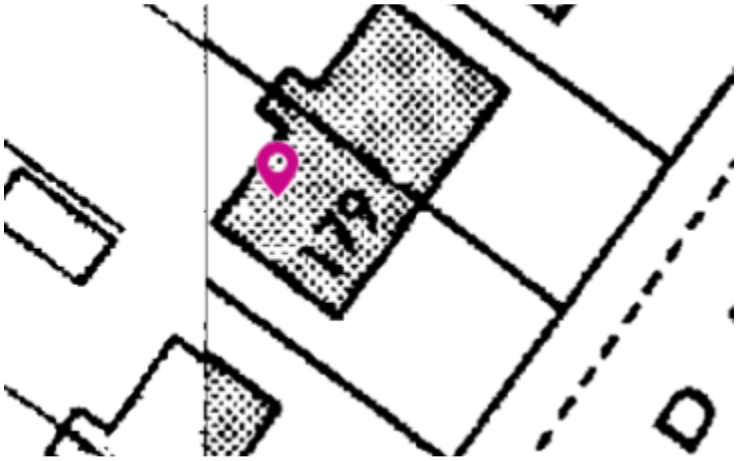
1933 map:



1955 map:



1965 map:



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*

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 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**: None of the above are proposed.*

l) 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.*

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
(ii) 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
(iii) 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 required to match the existing meet this condition. No upper floor windows are proposed within any wall of the dwellinghouse.*

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 would benefit 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 in paragraph A.3 of the same Order.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan, proposed block plan, existing and proposed elevations and floor plans	Job No. -158 Revision B – Drawing No. – 004		22nd May 2025

Dated: 11th June 2025