

**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/91428/W

Site: 46, Bank End Lane, Almondbury, Huddersfield,
HD5 8ES

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

Case Officer: Laura Yeadon

Decision Reference: PROPOSED OPERATIONS REFUSED

**I hereby authorise the refusal 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 16-Jul-2025

Officer Report

[Weblink](#)

Site Description

46 Bank End Lane is a two storey detached property located within a corner plot with the front elevation facing Bank End Lane and a side elevation which faces Far View Bank. The front elevation is finished in red brick and render, the side elevation is rendered and the rear elevation is red brick. The roof form is pitched with the front elevation roof form covered with solar panels.

Surrounding development is predominantly residential.

Description of Proposal

Permission is sought for a Certificate of Lawfulness for the erection of a single storey extension to the side of the property.

The extension would be set back from the front elevation of the property by 0.3 metres, projecting to the side by 1.5 metres and would be a total depth of 3.2 metres. The eaves height would be 2.3 metres with the overall height being 3.2 metres.

The plans indicate that the extension would be constructed from matching 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

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: *The dwellinghouse was not granted by any of the above Classes.*

- 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 buildings within the curtilage of the dwellinghouse would not exceed 50%.*

- 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 height of the enlargement would not 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 of the enlargement 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 enlarged part of the dwelling would not extend beyond a wall which forms the principal elevation of the original dwellinghouse. However, it*

would extend beyond a wall which fronts a highway and forms 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: *N/A as the enlarged part of the dwellinghouse would not extend beyond the rear wall.*

- 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: *N/A as the enlarged part of the dwellinghouse would not extend beyond the rear wall..*

- 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 enlarged part of the dwellinghouse would not be more than a 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 enlarged part of the dwellinghouse would not be within 2 metres of the boundary of the dwellinghouse.*

- i) 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

- (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 a side elevation of the original dwellinghouse however it 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: *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 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;
- 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 dwelling 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 plans indicate that the construction materials would match the existing and no upper floor openings 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 refusal.

The single storey side extension does not benefit from a general planning permission granted 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 proposed development would extend beyond a wall which fronts a highway and forms a side elevation of the original dwellinghouse contrary to sub-paragraph A.1 (e) of Class A.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan, block plan, existing and proposed elevations and floor plans	2508-01		3 rd June 2025

Dated: 16th June 2025

