

**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/91489/W

Site: 402, Bradley Road, Bradley, Huddersfield, HD2
1PS

Description: Certificate of lawfulness for proposed erection of
single storey rear extension and rear dormer and installation of roof lights to
front roof slope

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 28-Jul-2025

Officer Report

[Weblink](#)

Site Description

402 Bradley Road is a detached bungalow located within an area without notation within the Kirklees Local Plan. The property is constructed from brick and render and has a hipped roof. There is a driveway accessed off Bradley Road to the front of the property and amenity space is to the front and rear. Surrounding development consists of residential properties which are mainly detached and semi-detached dwellings. Beyond the rear elevation of the property is a large area of undeveloped land which is allocated for housing 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, a dormer extension also to the rear of the property and also roof lights to the front elevation roof slope.

To facilitate the development, the existing bay window to the rear of the property would be removed which is not an original feature on the dwellinghouse. In addition, 2 no. chimneys would be removed from the roof of the property.

Rear extension

The proposed extension to the dwellinghouse would project from the rear elevation by 1.26 metres being a total width of 6.6 metres. It is proposed that the extension would have a flat roof and would be a total height of 2.85 metres. The proposed construction materials would be render for the walls.

Dormer

The dormer roof extension is proposed to be located on the north (rear) roof slope of the property, set back from the existing eaves by approximately 0.3 metres running the expanse of the central roof ridge. The dormer would project 3.3 metres from the roof ridge and would be a total height of 2.4 metres. No part of the roof extension would exceed the highest part of the existing roof. The total cubic volume of increase would be 19.8 cub m³. The proposed construction materials would be tiles.

Roof lights

3 no. roof lights are proposed within the front elevation roof slope which would project from the roof slope by approximately 0.1 metres, being set down from the ridge of the roof by 0.2 metres.

Demolition of chimneys

2 no. chimneys which are located on the ridge of the existing roof are proposed to be demolished. The plans do not indicate that these would be replaced.

Officer note

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 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 Certificate of Lawful Development.

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).

Permitted development

Class A – The enlargement, improvement or other alteration of a dwellinghouse.

Single storey rear extension

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 permission by 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 buildings within the curtilage 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 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 flat roof 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 dwellinghouse would not extend beyond a wall which forms the principal elevation of the original dwellinghouse or fronts a highway and forms 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 enlarged part of the dwellinghouse would be single storey and would not extend beyond the rear wall by more than 4 metres nor would it 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 enlarged part of the dwellinghouse would be single storey and would not extend beyond the rear wall by more than 4 metres nor would it exceed 4 metres 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 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 curtilage 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: *Historical maps indicate the small "boiler room" was attached to the original dwellinghouse and thus contains a side elevation. However, the scale of the side elevation is significantly small for it not to be considered part of the original dwellinghouse. Thus, the enlarged part of the dwellinghouse would not extend beyond a wall forming a side elevation.*

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.*

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 construction materials would match the host property and no upper floor windows are proposed.*

Class B – The enlargement of a dwellinghouse consisting of an addition or alteration to its roof

Dormer extension

Development not permitted

- 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 to use the dwellinghouse as a dwellinghouse was not granted by any of the above.

- a) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;

Comment: No part of the roof addition would exceed the highest part of the existing roof.

- b) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;

Comment: *The works would not extend beyond the plane of the existing dwellinghouse of any roof slope which forms the principal elevation of the dwellinghouse and fronts a highway.*

- c) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than—
 - (i) 40 cubic metres in the case of a terrace house, or
 - (i) 50 cubic metres in any other case;

Comment: *The cubic content of resulting roof space would not exceed 50 cubic metres.*

- d) it would consist of or include-

- (i) the construction or provision of a verandah, balcony or raised platform, or
- (i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe;

Comment: *The existing plans demonstrate that 2 no. chimneys are located on the ridge of the existing roof form. The proposed attic floor plan (drawing number 2025126-102) clearly annotate that the chimneys would be demolished and therefore an alteration to a chimney. This would constitute an alteration of a chimney and therefore would fall within Part 1, Class G of the Act (as amended) and shall be assessed as part of this report.*

- e) the dwellinghouse is on article 2(3) land;

Comment: *The dwellinghouse is not on article 2(3) land.*

- f) 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.*

- g) the existing dwellinghouse has been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys).

Comment: *The dwellinghouse has not been enlarged by virtue of a Class AA permission.*

Conditions:

B.2 Development is permitted by Class B subject to the following conditions—

- a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

Comment: *The plans indicate that the works would be tile clad to match the existing roof.*

- a) the enlargement must be constructed so that—
 - (i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension—

(aa) the eaves of the original roof are maintained and reinstated; and
(bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and

- (i) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and

Comment: *The edge of the enlargement closest to the eaves of the original roof is not less than 0.2 metres from the eaves.*

- b) any window inserted on 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.

Comment: *Not applicable*

Class C – Any other alterations to the roof of a dwellinghouse

Roof lights

Development not permitted

- 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 to use the dwellinghouse as a dwellinghouse has not been granted by any of the above.*

- a) the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;

Comment: *The alteration would not protrude more than 0.15 metres beyond the plane of the original roof slope.*

- b) it would result in the highest part of the alteration being higher than the highest part of the original roof;

Comment: *The alteration would not result in part of the alteration being higher than the highest part of the original roof.*

- c) it would consist of or include-
 - (i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
 - (i) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment; or

Comment: *The existing plans demonstrate that 2 no. chimneys are located on the ridge of the existing roof form. The proposed attic floor plan (drawing number 2025126-102) clearly annotate that the chimneys would be demolished*

and therefore an alteration to a chimney. This would constitute an alteration of a chimney and therefore would fall within Part 1, Class G of the Act (as amended) and shall be assessed as part of this report.

- d) 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.*

Class G – The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse

Demolition of chimneys

Development nor permitted

- 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 to use the dwellinghouse as a dwellinghouse has not been granted by any of the above.*

- a) The height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by 1 metre or more

Comment: *The chimneys would be demolished and therefore the height of the chimney would not exceed the highest part of the roof by 1 metre or more.*

- b) in the case of a dwellinghouse on article 2(3) land, the chimney, flue or soil and vent pipe would be installed on a wall or roof slope which—
 - (i) fronts a highway, and
 - (i) form either the principal elevation or a side elevation of the dwellinghouse; or

Comment: *The dwellinghouse is not on article 2(3) land.*

- c) 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.*

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, dormer extension and roof lights benefit from a general planning permission granted by virtue of Article 3(1) and Schedule 2, Part 1, Classes A, B, C and G of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) subject to conditions as stated in paragraphs A.3, B.2 and C.2 of the same Order.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	2025126-LOC – P0		6 th June 2025
Existing site plan, elevations and floor plan	2025126-101 – P0		6 th June 2025
Proposed site plan, elevations and floor plans	2025126-102 – P0		6 th June 2025
Historic mapping information	2025/126 – May 2025		6 th June 2025

Dated: 19th June 2025