

**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/91773/E

Site: 12, Easby Avenue, Healey, Batley, WF17 7EW

Description: Certificate of lawfulness for proposed erection of rear extension and outbuilding with 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 17-Sep-2025

[Weblink](#)

Officer Report

Site Description

12 Easby Avenue is a two-storey semi-detached dwelling which is on land without notation on the Kirklees Local Plan. The property is constructed from red brick and has a concrete tiled roof and set within a corner plot with Easby Avenue to the east and Abbey Road to the south. Amenity areas are located to the front, side and rear of the property with a driveway to the side which is accessed off Easby Avenue via a dropped crossing.

Surrounding development is predominantly residential.

The property has been recently granted permission on 3rd June 2025 under application number 2025/91000 for the erection of a single storey front extension with a single and two storey side extension.

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 and an outbuilding.

Rear extension

The extension would project from the rear elevation of the property by 3 metres and would be a total width of 2.9 metres with an overall height of 3 metres to the top of the flat roof when measured from the ground level adjacent to the extension. The extension has been designed with a chamfered corner to follow the boundary line of the plot. The details within the application form state that the materials would match the host dwelling.

Outbuilding

It is proposed that an outbuilding would be sited to the side of the dwellinghouse. The outbuilding also has a chamfered corner to follow the boundary line. The maximum length of the outbuilding would be 3.8 metres with a width of 2 metres and an overall flat roof height on 2.45 metres.

Officer note

As part of a Certificate of Lawful Development, the onus is on the applicant to provide evidence which states why the proposal fits with the permitted development legislation. In this case, the application form states that the works fall within permitted development.

History of negotiations/amendments received

An amended plan was accepted to clarify grounds levels and the height of the proposed rear extension.

Relevant Planning History

2025/91000 Erection of single storey front extension with single and two storey side extension
Conditional Full Permission

Consultation Responses

None required as the property 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;
1. 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) and Class E (building etc incidental to the enjoyment of a dwellinghouse).

Class A – 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: *Permission was not granted to use the dwellinghouse as dwellinghouse by virtue of 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 works would not result in more than 50% of the ground area within the curtilage being covered by extensions.*

- 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 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 of the enlargement (overall height in this case) 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 enlargement would not extend beyond a wall which form the principal elevation of the original dwellinghouse or forms a side extension fronting a highway.*

- 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 project more than 3 metres from the rear wall 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 project more than 3 metres from the rear wall 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 have 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 proposed enlarged part of the dwellinghouse would be within 2 metres of a boundary and the overall height of the flat roof enlargement would not exceed 3 metres.*

- 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 not extend 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 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 the 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 construction materials would match the host dwelling and no upper floor openings are proposed as part of this application.*

Class E – outbuilding

Development not permitted

E.1 Development is not permitted by Class E 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) the total area of ground covered by buildings, enclosures and containers within the curtilage (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 works would not result in more than 50% of the ground area within the curtilage being covered by extensions.*

- b) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;

Comment: *The building would not be situated on land forward of a wall forming the principal elevation of the original dwellinghouse.*

- c) the building would have more than one storey;

Comment: *The building would not have more than one storey.*

- d) the height of the building, enclosure or container would exceed –
 - (ii) 4 metres in the case of a building with a dual-pitched roof,
 - (iii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or
 - (iv) 3 metres in any other case

Comment: *The building would be within 2 metres of a boundary however it would not be more than 2.5 metres in overall height.*

- e) the height of the eaves of the building would exceed 2.5 metres;

Comment: *The height of the eaves would not exceed 2.5 metres.*

- f) the building, enclosure, pool or container would be situated within the curtilage of a listed building;

Comment: *The building would not be situated within the curtilage of a listed building.*

- g) it would include the construction or provision of a veranda, balcony or raised platform;

Comment: *None of the above are proposed*

- h) it relates to a dwelling or microwave antenna; or

Comment: *A microwave antenna is not proposed.*

- i) the capacity of the container would exceed 3,500 litres.; or

Comment: *Not applicable*

- j) 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.*

E.2 In the case of the any land within the curtilage of the dwelling which is within
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- (a) an area of outstanding natural beauty;
- (a) the Broads;
- (b) a National Park; or
- (c) a World Heritage Site,

development is not permitted by Class E of the total area of ground covered by buildings, enclosures, pool and containers situation more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.

Comment: *The dwelling is not located within any of the above designated sites.*

E.3 In the case of land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwelling.

Comment: *The land within the curtilage is not on article 2(3) land.*

Interpretation of Class E

E.4 For the purposes of Class E, “purpose incidental to the enjoyment of the dwelling house as such” includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse.

It is noted the proposed plans include a two storey side enlargement which was subject to approval granted by virtue of planning permission 2025/91000 and despite not being included within the description of development subject to this application, the side two storey extension appears to be lawful.

Conclusion:

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 within A.3 of the same order.

The detached outbuilding benefits from a general planning permission granted by virtue of Article 3(1) and Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing site plan, elevations and floor plans	S01		27 th June 2025
Proposed site plan, elevations and floor plans	S02 – Rev M		17 th September 2025
Work specification	S03		27 th June 2025

Dated: 10th September 2025