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/92604/W

Site: 3, Heather Road, Meltham, Holmfirth, HD9 4EY

Description: Certificate of lawfulness for proposed removal of existing conservatory and 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 04-Nov-2025

Officer Report

Weblink

Site Description

3 Heather Lane is a two-storey semi-detached dwelling located within an area without notation on the Kirklees Local Plan. The property is constructed from brick with a concrete tiled hipped roof. To the front of the property is a small garden area with a driveway to the side which leads to a detached, prefabricated garage. To the rear is a larger garden area.

The surrounding area is predominantly residential with the properties within the street scene being characterised by two storey bay windows to the front elevation of the dwellings.

Description of Proposal

Permission is sought for a Certificate of Lawfulness for the proposed removal of the existing conservatory and the erection of a single storey rear extension.

The part-width conservatory would be removed and replaced with a full-width single storey extension. The extension would lie flush with the side elevation of the property and would project 2.9 metres from the rear elevation of the property. The eaves height would be 2.5 metres and the overall height would be 3.5 metres.

It is proposed that the construction materials would be facing brickwork for the walls with concrete tiles of the roof, all to match the existing building.

The property has not had its permitted development rights removed.

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 applicant has stated on the application form that the proposal is permitted development.

History of negotiations/amendments received

No negotiations have taken place and no amended plans received.

Relevant Planning History

None

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;

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).

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 to use the dwellinghouse as a dwellinghouse was not granted be 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 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 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 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 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 enlarged part of the dwellinghouse would not extend beyond the rear wall of the dwellinghouse by more than 3 metres and the height would not exceed 4 metres.*

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 not extend beyond the rear wall of the dwellinghouse by more than 6 metres and the height would not exceed 4 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 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 enlarged part of the dwellinghouse would be within 2 metres of the boundary however the height of the eaves 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 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 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.*

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 property 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:** Submitted drawing number 2025/005/03 is annotated to demonstrate that the construction materials would match the host dwelling. No upper floor windows are proposed within the side wall or roof slope and the proposed enlargement is not more than single storey in height.*

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 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 as stated in paragraph A.3 of the same Order.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	LP01		17th September 2025
Block plan	BP01		17th September 2025
Existing and proposed elevations and floor plans	2025/005/03		17th September 2025

Dated: 31st October 2025