

**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/92967/E

Site: 30, Field Head Lane, Birstall, Batley, WF17 9BH

Description: Certificate of lawfulness for proposed erection of  
single storey rear extension and loft conversion with rear dormer

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-Dec-2025**

## **Officer Report**

[Weblink](#)

### **Site Description**

30 Field Head Lane is a semi-detached bungalow located within an area without notation on the Kirklees Local Plan. The property is constructed from red brick with a rosemary tiled roof. There is a garden area to the front, a driveway to the side and a larger garden area to the rear where a detached garage is located. Part of the garden area to the rear is located within the defined Green Belt.

Surrounding development consist of mainly residential properties which vary in terms of style, design and construction materials.

### **Description of Proposal**

The description of development cites a Certificate of lawfulness for proposed erection of single storey rear extension and loft conversion with rear dormer. However, when viewing the plans in totality, the works also include a hip-to-gable roof extension, roof lights to the front elevation roof slope, the alteration of a door to a window within the side elevation and also the demolition of a chimney.

#### **Rear extension and alterations to fenestration**

The proposed extension to the dwelling would lie flush with the exiting side elevation of the property and would project a total of 2.9 metres being a width of 4.7 metres. It is proposed that the extension would have a flat roof with being an overall height of 2.7 metres (3.3m to lantern). The proposed construction materials would be brickwork to match the existing.

It is also proposed that the existing door within the side elevation of the dwellinghouse would be removed and replaced by a window.

#### **Dormer roof extension and hip to gable alteration**

The dormer roof extension would be located on the rear elevation of the property, set back from the existing eaves by approx. 0,7 metres, running the expanse of the proposed roof form, including the hip-to-gable alteration. The dormer would be a width of 8.2 metres, height of 1.8 metres, projecting from the ridge by 2.9 metres. The proposed construction materials would be cladding to match the existing roof tiles.

The hip-to-gable roof form would have a height of 2.5 metres, width of approx. 3.8 metres and a depth of 7.5 metres. No details have been annotated on the plans with regard to the proposed construction materials for this alteration. However, the application form states that materials are to match.

The cubic volume increase of the dormer would be approximately 21.4 m<sup>3</sup> with the cubic volume of the hip-to-gable being approx. 11.9 m<sup>3</sup>. Therefore, the total volume increase would be approximately 33.3 cubic metres.

### Roof lights

3 no. rooflights are proposed within the front elevation roof slope which would project from the roof slope by 0.15 metres being set down from the ridge of the roof by 0,3 metres.

### Demolition of chimney

1 no. chimney which is located within the hipped section of the existing roof is proposed to be demolished. The plans do not indicate that this would be replaced.

### 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 extension and loft conversion within permitted development restrictions for setting out and materials to match existing.

The property has not had its permitted development rights removed.

### **History of negotiations/amendments received**

No negotiations have taken place and no amended plans received.

### **Relevant Planning History**

2017/91546 Raising of garden level by 1 metre with retaining wall and erection of garage to rear  
*Conditional Full Permission*

### **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;
2. If so, whether permitted development rights apply to the property; and

3. 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 extension and alteration from a door to window within the side elevation.

### **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 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 would not exceed 50%. There would be no enlargement as a result of the door to window alteration.*

- 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 enlargement would not exceed the height of the highest part of the roof of the existing dwellinghouse. There would be no enlargement as a result of the door to window alteration.*

- 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 flat roof would not exceed the height of the eaves of the existing dwellinghouse. There would be no enlargement as a result of the door to window alteration.*

- 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 the principal elevation of the original dwellinghouse or fronts a highway and forms a side elevation. There would be no enlargement as a result of the door to window alteration.*

- 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 enlarged part of the dwellinghouse would be single storey and would not extend beyond the rear wall by more than 3 metres nor would it exceed 4 metres in height. There would be no enlargement as a result of the door to window alteration.*

- 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 enlarged part of the dwellinghouse would be single storey and would not extend beyond the rear wall by more than 6 metres nor would it exceed 4 metres in height. There would be no enlargement as a result of the door to window alteration.*

- 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 be 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 not be within 2 metres of the boundary of the curtilage of the dwellinghouse. There would be no enlargement as a result of the door to window alteration.*

- 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 enlarged part of the dwellinghouse would not be located on the side elevation of the dwellinghouse. Whilst the alteration from the door to window would be to the side elevation of the property, this work would not enlarge 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.*

- 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 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.*

- 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 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;
- 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 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 and hip-to-gable alteration

### **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. This includes both the dormer enlargement and also the hip-to-gable enlargement.*

- 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 1 no. chimneys is located on the ridge of the existing roof form which is not included on the proposed plans. 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 dormer would be clad to match the existing roof, and the application form states that materials would be to match.*

- 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. No works would extend the dwellinghouse beyond the face of any external wall of the dwellinghouse.*

- 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 – see Class C below for the assessment of the roof lights.*

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

Roof lights to front elevation

#### **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 1 no. chimneys are located on the ridge of the existing roof form. 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 chimney

### **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, hip-to-gable roof alteration, front elevation roof lights and the demolition of the chimney benefits 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 respective conditions within paragraphs A3, B,2 and C,2 of the same Order.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location plan and existing site plan	25 – 901 – 01		24 <sup>th</sup> October 2025
Proposed site plan	25 – 091 – 02		24 <sup>th</sup> October 2025
Existing ground floor plan	25 – 091 - 03		24 <sup>th</sup> October 2025
Existing roof plan	25 – 091 – 04		24 <sup>th</sup> October 2025
Proposed ground floor plan	25 – 091 – 05		24 <sup>th</sup> October 2025
Proposed first floor plan	25 – 091 – 06		24 <sup>th</sup> October 2025
Proposed roof plan	25 – 091 – 07		24 <sup>th</sup> October 2025
Existing elevations (1 of 2)	25 – 091- 08		24 <sup>th</sup> October 2025
Existing elevations (2 of 2)	25 -091 – 09		24 <sup>th</sup> October 2025

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed elevations (1 of 2)	25 – 091 – 10		24 <sup>th</sup> October 2025
Proposed elevations (2 of 2)	25 – 091 – 11		24 <sup>th</sup> October 2025
Climate Change Statement			24 <sup>th</sup> October 2025

**Dated:** 10<sup>th</sup> December 2025