

**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/93314/W

Site: 14, Laithe Bank Drive, Holmbridge, Holmfirth, HD9  
2PL

Description: Certificate of lawfulness for proposed erection of  
single storey 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 27-Jan-2026**

## **Officer Report**

[Weblink](#)

### **Site Description**

14 Laithe Bank Drive is a detached property which is gabled fronted detached dwelling located within a corner plot between Laithe Bank Drive and Laithe Avenue. The property is constructed from brick, stone and render and has recently been extended via planning permission 2024/91756. The Agent has confirmed that this permission has been implemented, completed and habitable. There is a driveway to the front with garden areas to the side and rear.

Surrounding development is mainly residential with open fields to the south and west with the area being located within the Strategic Green Infrastructure Network.

### **Description of Proposal**

Permission is sought for a Certificate of Lawful Development for a proposed single storey extension.

The proposed projecting section of the enlargement would project beyond the original rear elevation of the property by 4 metres would have a width of 3.4 metres with an eaves height of 2.2 metres with an overall height of 3.75 metres.

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**

2024/90965 Erection of two storey extensions to norther and southern (side) elevations including associated alterations

*Refused*

2024/91758 Erection of two storey and single storey side extensions and alterations

*Conditional Full Permission*

## Consultation Responses

Holme Valley Parish Council – no comment – defer to Kirklees officers

### 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).

### 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 (including the garage/outbuilding which is not an original feature) would not exceed 50% of the total area of the curtilage of the dwellinghouse.*

- 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 to the dwellinghouse would not exceed the height of the highest part of the roof of the existing dwellinghouse.*

- 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 eaves part of the enlargement would not exceed the height of the eaves of the existing dwelling.*

- 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 proposed enlargement would not extend beyond the wall which forms the principal elevation nor do they front a highway and form the side elevation of the original dwellinghouse.*

- 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 dwelling is a detached and the enlargement would be single storey and would not extend beyond the rear elevation of the property by more than 4 metres however the side part of the enlargement would exceed 4 metres in height.*

- 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 dwelling is a detached and the enlargement would be single storey and would not extend beyond the rear elevation of the property by more than 4 metres however the side part of the enlargement would exceed 4 metres in height.*

- 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 and the eaves would not exceed 3 metres.*

- 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 proposed enlarged part of the dwellinghouse would not extend beyond a wall forming a side elevation of the original dwellinghouse and 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:** *Prior to the granting of permission 2024/91758, a flat roofed garage was attached to the side elevation of the property facing No. 12. This was extended forward with a lean-to roof attached to the extension as part of the approved permission. Regardless of whether or not the garage was an original structure, as advised on page 28 (ja) of the Permitted development rights for householders - Technical Advice document, 'Where the proposed extension is to be joined to an existing extension to the original house, whether that was built following a planning application or under permitted development rights, the total enlargement (being the proposed extension together with the previous extension) must meet the limits set out in (e) to (j) above (see examples on pages 18, 21 and 27).'*

*Therefore, in this case, as the flat roofed garage was extended forward and upwards where a roof was attached, and because the proposed enlargement adjoins the previous enlargement, the total enlargement would need to fall within the limitation in sub paragraphs (e) to (j).*

*The total enlargement consists of the extension of original garage forwards and upwards with this proposed enlargement projecting to the rear of the original*

*garage whilst adjoins to the extended roof. The total enlargement projects to the side or the original dwellinghouse by 2.8 metres. The enlargement would span the full depth of the property projecting off the rear of the building by 4 metres. The eaves height is 2.2 metres with an overall height of 4.5 metres..*

*The total enlargement would exceed the limits set out within sub-paragraphs A.1 (e)(i), A.1(f)(ii) and A.1(j)(i).*

- 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 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;
- 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 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;
- 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 need to match those used on the construction of the existing dwellinghouse. No upper floor windows 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 approval.

The proposed single storey 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 it would adjoin an existing enlargement of the original dwellinghouse and as a total enlargement would be contrary to sub-paragraphs A.1 (e)(i), A.1(f)(ii) and A.1(j)(i) by reason of sub-paragraph A.1(ja) of Class A.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location plan	WHPG 24-0050 – Drg No. 01		2 <sup>nd</sup> December 2025
Existing and proposed block plan, elevations and floor plans	WHPG 24-0050 – Drg No. 20		2 <sup>nd</sup> December 2025

**Dated:** 27<sup>th</sup> January 2026