

**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/93325/E

Site: 29, Little Green Lane, Heckmondwike, WF16 9HF

Description: Certificate of lawfulness for proposed 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 22-Jan-2026

Officer Report

[Weblink](#)

Site Description

29 Little Green Lane is a two storey, detached property located within an area without notation on the Kirklees Local Plan. The property is constructed from stone and has a driveway to the front which leads to an integral garage and private amenity space to the rear.

Description of Proposal

Permission is sought for a Certificate of Lawful Development for a proposed single storey rear extension. The extension would be set in from both side elevations of the property and would project 3 metres from the rear elevation of the property. The eaves height would be 2.5 metres with an overall height of 3.5 metres with a lean-to roof. The proposed construction materials are annotated on plan as brickwork to match the existing and roof tiles to match the existing.

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

2003/93511 Outline application for residential development
Conditional Outline Permission

2006/91338 Reserved matters application for erection of 77 houses, flats and ancillary buildings with public open spaces, roads and sewers
Approval of reserved matters

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, Class A (Development within the curtilage of a dwellinghouse).

Permitted development rights

As part of the previous decision under 2006/91338 for the approval of reserved matters for the erection 77 houses, flats and ancillary buildings with public open spaces, roads and sewers, permitted development rights were removed under the following condition:

5. *Notwithstanding the section 55 of the Town and Country Planning Act 1990 (or any statute or order revoking or re-enacting that Act with or without modification) the integral garages hereby approved shall be used solely for the garaging of private motor vehicles at all times and for no other purpose.*

As the condition specifically relates to the internal garages and does not detail the removal of permitted development rights for extensions to the dwellinghouses. As such, the permitted development rights for the construction of extensions to the dwellinghouse is still intact and therefore falls to be considered under Class A of Schedule 2, Part 1 and is assessed as follows:

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: *No more than 50% of the ground within the curtilage would be covered by buildings other than the original 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 would not exceed the height of the highest part of the roof.*

- 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 of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse.*

- 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: *Not applicable*

- 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 not exceed beyond the original rear wall by more than 4 metres or 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 enlarged part of the dwellinghouse would not exceed beyond the original rear wall by more than 4 metres or 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 have 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 extension would be within 2 metres of the boundary of the curtilage of the dwellinghouse however the eaves height 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: *Not applicable as the enlargement is not on the side elevation of the property.*

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: *Not applicable*

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 proposed materials would match and there are no proposed openings within the side elevation of the dwellinghouse.*

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 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
Application form	PP-14533408		3 rd December 2025
Location plan, existing elevations and floor plans			3 rd December 2025
Proposed block plan, elevations and floor plan			3 rd December 2025

Dated: 13th January 2026