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/93431/W

Site: 11A, Rafborn Grove, Salendine Nook, Huddersfield, HD3 3UB

Description: Certificate of lawfulness for proposed roof alteration and associated works

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 10-Mar-2026

Officer Report

Weblink

Site Description

11A Rafborn Grove is a two storey semi-detached property located within an area without notation on the Kirklees Local Plan. The property has a stone frontage with brick for the side and rear elevations and tiles for the roof. The front of the property is covered with hardstanding which provides off-street parking for the property. A first floor extension has been constructed to the side of the dwellinghouse and to the rear is a historical single storey rear extension. There is also a lawned garden area to the rear.

Surrounding properties are comprised by mainly semi-detached dwellings, a number of which have been previously extended.

Description of Proposal

Permission is sought for a Certificate of Lawful Development for a proposed roof alteration and associated works. The works relate to the existing single storey rear extension which is proposed to be altered from a flat roof structure to alter the roof form to a lean-to roof.

The projection would be retained at 3 metres with an eaves height of 2.6 metres with an overall height of 3.7 metres.

It is also proposed to alter the windows to doors within both the extension and the original rear elevation of the property.

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 change from flat roof to pitch type raises the eaves and roof slightly. However, both the external ground to eaves dimension (2.6m) and external ground to top of new roof dimension (3.6m) are under the allowable dimensions for permitted development (3m eaves dimension, and 4m maximum roof height).

History of negotiations/amendments received

No negotiations have taken place and no amended plans received.

Relevant Planning History

2007/90564 Erection of extension

Conditional Full Permission – not implemented

1989/02892 Erection of first floor extension to form additional bedroom and enlarged bedroom

Conditional Full Permission - appears to be implemented

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)

Section 55 of the Town and Country Planning Act 1990 states that *'The following operations or uses of land shall not be taken for the purpose of this Act to involve development of the land-*

a) The carrying out for the maintenance or alteration of any building of works which-

i) affect only the interior of the building, or
ii) do not materially affect the external appearance of the building,

and are not for works for making good war damage or works begun after 5th December 1968 for the alteration of a building providing additional space in it underground.

The works to alter the windows to doors within the rear elevation of the original dwellinghouse does affect the external appearance of the building dwelling to a certain degree. However, the works would be to the rear elevation and would have limited visibility from public vantage points due to the layout of surrounding land. In this instance, it can be reasonably considered that to alter an existing opening within the original rear elevation of the dwellinghouse, albeit within a sensitive location does materially impact the external appearance of the dwelling and is considered to be development as defined by Section 55 of the Town and Country Planning Act 1990.

As such, permitted development rights under Class A may then apply. Class A permits the enlargement, improvement or alteration of a dwellinghouse

subject to relevant limitations. Some sub-paragraphs in this instance are not relevant to the alteration of the windows to doors as they relate solely to enlargements of a dwellinghouse.

In terms of the re-roofing of the extension, this extended part of the property is not evident on the 1965 plans, as archived by the Local Planning Authority. As such, the existing extension is deemed to be an extension to the original dwelling. As the proposed works would alter solely the roof of the extension, this falls be considered under Class B.

Class A – alterations to 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 alterations to add windows/doors are not an enlargement.*

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 proposed alterationss to add windows/doors are not an enlargement.*

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 proposed alterations to add windows/doors are not an enlargement.*

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 proposed alterations to add windows/doors are not an enlargement.*

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 proposed alterations to add windows/doors are not an enlargement.*

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 alterations to add windows/doors are not an enlargement.*

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**: The proposed alterations to add windows/doors are not an enlargement.*

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 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**: An alteration to the existing roof of the single storey projection is proposed. However, the Government's Technical Guidance states that where an enlargement "includes works that would require an alteration of the existing roof of the house, the alteration to the existing roof of the house will need to meet the requirements of Class B or C." In this instance the enlargement of the roof would not exceed the limitations in Class B of Part 1 when considering the existing addition to the roof space by virtue of the first floor enlargement in terms of cubic content.*

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 roof alteration and alterations to windows/doors benefit from a general planning permission granted by virtue of Article 3(1) and Schedule 2, Part 1, Classes A & B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) subject to conditions as stated within paragraphs A.3 & B.2 of the same Order.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan			11th December 2025

Plan Type	Reference	Version	Date Received
Location plan	PP-14549714v1		11th December 2025
Existing and proposed floor plans	Hemingway Design House		11th December 2025
Existing and proposed elevations	Hemingway Design House		11th December 2025

Dated: 9th February 2026