

**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/93508/E

Site: 14, Manor Road, Farnley Tyas, Huddersfield, HD4  
6UL

Description: Certificate of lawfulness for proposed erection of  
single storey rear extension (within a Conservation Area)

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 09-Mar-2026**

## **Officer Report**

### **Site Description**

14 Manor Road is a two-storey, semi-detached dwelling located within the Farnley Tyas Conservation Area. The dwelling is constructed with stone and hosts a pitched roof. The property has benefitted from a two-storey side extension which is set back from the original dwelling. The property has a small front forecourt which is used to park vehicles and to the rear is a modestly sized residential outdoor space.

### **Description of Proposal**

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

The extension would be located to the rear of the property attaching to the existing two storey side extension. The extension would span the full width of the 'original' rear elevation projecting 3 metres with a height of 3 metres with a roof lantern on the top of the flat roof.

The submitted information indicates that where the existing external wall is to be removed, the material is to be re-used within the construction of the extension.

### **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 complies with permitted development.

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

No negotiations have taken place and no amended plans received.

### **Relevant Planning History**

2004/93753 – Erection of single storey extension (within a Conservation Area)  
– Conditional Full Permission

2010/90318 – Extension to time limit for implementing existing permission no. 2004/94753 for erection of single storey extension (within a Conservation Area)

2015/90409 – Erection of single storey side extension (within a Conservation Area) – Conditional Full Permission

2016/93524 – Erection of two storey side extension and change of use of land to domestic curtilage – Conditional Full Permission

2016/93778 – Works to tree(s) within a Conservation Area – Granted

2024/91754 – Erection of single storey rear extension, partial demolition of existing rear wall, door opening to garage (within a Conservation Area) – Refused

2025/91880 – Erection of single storey rear extension and associated alterations (within a Conservation Area) – 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).

### **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 does it 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 property is semi-detached and the enlargement would not extend beyond the rear wall of the dwellinghouse more than 3 metres. The height of the single storey element of the building 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 on article 2(3) land.*

- 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 building subject to this application 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 *by reason of attachment to the existing two storey enlargement to the original dwellinghouse..;*

**Comment:** *The enlarged part of the building subject to this application would be within 2 metres of a boundary however the eaves height would exceed 3 metres by reason of attachment to the existing two storey enlargement to the original dwellinghouse..*

- 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 extend beyond a wall forming a side elevation of the original dwellinghouse, have more than one storey, will exceed 4 metres in height and be more than half the width of the original dwellinghouse by reason of attachment to the existing two storey enlargement to 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:** *The plans demonstrate that the proposed enlargement would attach to the side wall of a previous enlargement to the property. Under application 2016/93524 the dwellinghouse implemented permission to extend the property by virtue of a two storey side elevation. 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, the proposed enlargement would attach to a previous enlargement to the property and would therefore fail to comply with (e), (i) and (j) above.

- 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.

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.

**Conclusion:**

The proposal has been considered against the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and is recommended for refusal.

The proposed single storey rear extension does not benefit 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) as it would adjoin an existing enlargement to the original dwellinghouse and as a total enlargement would be contrary to sub-paragraphs A.1 (f), (i) and (j) 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	25/1195/01		5 <sup>th</sup> January 2026
Existing block plan	25/1195/02		5 <sup>th</sup> January 2026
Existing elevations, floor plans and section	25/1196/03		5 <sup>th</sup> January 2026
Proposed elevations, floor plans and section	25/1196/04		5 <sup>th</sup> January 2026
Proposed block plan	25/1196/05		5 <sup>th</sup> January 2025
Heritage Impact Assessment/Planning Statement	25/1195		5 <sup>th</sup> January 2026

**Dated:** 16<sup>th</sup> February 2026