

**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.: 2026/CL/90011/W

Site: 5, Sunnybank, Sandy Lane, South Crosland,  
Huddersfield, HD4 7BX

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

Case Officer: Laura Yeadon

**Decision Reference: CERTIFICATE OF LAWFUL OPERATIONS  
GRANTED**

**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.**

John Holmes

**AUTHORISED OFFICER**

**Date 02-Mar-2026**

## **Officer Report**

[Weblink](#)

### **Site Description**

5 Sunnybank, Sandy Lane is a mid-terraced property located within the Green Belt and also the South Crosland Conservation Area as defined within the Kirklees Local Plan. The property is attached to No. 6 which is a Grade II listed building.

The property is two storeys in height and is accessed off a privately owned road off Sandy Lane.

To the rear of the terraced row is a single storey rear extension and garden areas which are elevated from the floor level of the properties.

### **Description of Proposal**

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

The details submitted indicate that the works were carried out in February 2025. The details submitted by the applicant indicate that an existing extension spans across the rear of the host property.

The extension the subject of this application extends 1.5 metres resulting in a 3.5 metre single storey element of the dwelling with a width of 3.15 metres. The extension has a flat roof at a height of 2.7 metres with a total height of 3.1 metres to the ridge of the roof lantern.

It should be noted that upon the 1907 OS map the depth of the dwelling measures approx 8m. the two storey element of the dwelling is approx. 6m with an additional 2 metre beyond which would incorporate the single storey element as evident to the rear of the property. As this pre-dates 1948, this single storey element of the dwelling is considered, on the balance of probabilities, to be an 'original' structure for the purposes of planning control.

### **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**

The applicant was contacted by the Case Officer to establish the dimensions of the extension. These were annotated on plan and confirmed by email which was received on 9<sup>th</sup> January 2026.

## **Relevant Planning History**

None

## **Consultation Responses**

None required

## **Representations**

The Kirklees Development Management Charter details how the Local Planning Authority will undertake a formal period of publicity. The Charter is clear (page 4) that notification on types of applications for which there is no statutory requirement to do so will not be carried out. This includes applications for certificates of lawfulness for existing/proposed use or development. The Charter goes on to comment (page 7) that applications for certificates of lawfulness for existing/proposed development will not be advertised by site notice. Neighbour notification letters or newspaper advertisement, however applications will be advertised on the Kirklees website.

As a result of the application being advertised on the website, one representation has been submitted with the comments summarised below:

- Inappropriate use of building materials including cladding, rubber roof and glass and aluminium sky light
- Contravention of Article4/height rule
- Inappropriate sky light – contrary to local planning policies
- Development adversely impacts on the characteristics of the Conservation Area
- Lack of bat survey
- Demolition of existing external kitchen wall within 2 metres of a boundary without relevant permission
- Incorrect comparisons to other properties on Sunnybank which used the full planning application process and not permitted development
- Position of boiler vent/exhaust causing nuisance and loss of amenity

In response to the above comments, the National Planning Practice Guidance states that in relation to Certificates of Lawful Development (Paragraph: 008 Reference ID: 17c-008-20140306) that *'Views expressed by third parties on the planning merits of the case, or on whether the applicant has any private rights to carry out the operation, use or activity in question, are irrelevant when determining the application.'* Therefore, whilst concerns have been raised regarding the application, these are not considered to be a consideration which is material in determining whether the works are lawful or not.

## **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).

It is noted that a boiler with an external outlet is also evident on the submitted plans and therefore, the application falls to also be considered under Class G (the installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse).

### **Class A – extension to 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:*** *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 projects from a single storey element of the host property by 1.5 metres. The single storey element of the dwelling therefore is 3.5 metres from the rear wall of the first floor of the dwellinghouse. As set out earlier in his report, on the balance of probability the single storey element (from which the extension the subject of this application projects) has been in situ prior to 1948 and appears to have been maintained and improved/re-roofed/rendered. The single storey element from this the development projects to the rear is considered to be an 'original' structure and therefore, the enlarged part of the dwellinghouse does not exceed 3 metres from the rear wall nor does it 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 therefore not applicable.*

- 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. It is noted that the roof lantern would increase the overall height of the structure to 3.1 metres however this element of the proposal is considered de minimis.*

- 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:** *see (f) 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:** *This shall be assessed under Class G below*

- 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.

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.

The submitted plans / photographs demonstrate use of coursed stone to the walls and a dark grey finish to the roof which have a similar appearance.

### **Class G - chimney, flue or soil and vent pipe on a dwellinghouse**

#### **Development not permitted**

A.1 Development is not permitted by Class G 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 subject to these.*

- b) 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 flue would disperse from the outer wall of the enlarged part of the dwellinghouse and is not located on the roof of the enlargement or original roof form.

- c) 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
  - (ii) forms either the principal elevation or a side elevation of the dwellinghouse or

**Comment:** The flue would not be installed on a wall or roof slope which fronts a highway and forms either the principal elevation or a side elevation of the dwellinghouse.

- 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 the 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 benefits from a general planning permission granted under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) subject to conditions within Class A.3 of the same Order.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Application form			5 <sup>th</sup> January 2026
Location plan	PP-14574964v1		5 <sup>th</sup> January 2026
Proposed block plan			5 <sup>th</sup> January 2026
Proposed elevations and roof plan			5 <sup>th</sup> January 2026
Domestic Building Work Completion Certificate	2024/BN//01718/W		5 <sup>th</sup> January 2026
Photographs x 2			5 <sup>th</sup> January 2026
Email with annotated plans			9 <sup>th</sup> January 2026

