

**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/90023/W

Site: 16, Helted Way, Almondbury, Huddersfield, HD5
8XZ

Description: Certificate of lawfulness for proposed removal of
rear conservatory and enlargement of bay window with doors

Case Officer: Laura Yeadon

Decision Reference: CERTIFICATE OF LAWFULNESS APPROVED

**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

Site Description

16 Helted Way is a detached property located within an area without notation within the Kirklees Local Plan. The property is located on the corner of Helted Way and Longcroft and hosts a double integral garage and three space driveway to the front with a garden area to the rear where a bay window and conservatory are located.

The property is located within a predominantly residential area with the immediate surrounding properties being also constructed from stone but vary in terms of design.

Description of Proposal

Permission is sought for a Certificate of Lawful Development for the proposed removal of rear conservatory and enlargement of bay window with doors.

Given that a similar bay window feature is located on the detached property to the south and other properties within the rear elevation street scene, this is considered likely to be an original feature of the dwelling on the balance of probability.

The existing conservatory would be removed and the existing bay window would be enlarged. The resultant bay window would be set in from both side elevations of the dwelling and would project 1.2 metres from the main rear elevation of the property with a width of 5.8 metres. The eaves height would be 2.4 metres with an overall height of 3.3 metres to the ridge of the lean-to roof.

Permitted development rights have been removed from the property but this is in relation to the conversion of garages.

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

1992/01208 – Outline application for residential development – Conditional Outline Permission

1993/01853 – Erection of 67 detached houses, 2 semi-detached bungalows, 7 detached bungalows – Conditional Full Permission

Condition 20 of this permission removes pd rights for conversion of garages.

1996/91302 – Erection of 31 no. two storey detached dwellings (plot 28, 39-68) – Conditional Full Permission

Condition 10 of this permission states ‘Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, permitted development rights are withdrawn for the conversion of the integral garages.’

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).

The proposal comprises of the erection of a single storey side extension which projects from the rear elevation of the property and the side elevation of the bay window which appears to be an original structure. As such, the proposal constitutes the carrying out of building on or over land that would materially affect the external appearance of the existing building. As such, it is regarded as development as defined by Section 55 of the Town and Country Planning Act 1990.

In the absence of any other planning permission, the application falls to be considered under the Town and Country Planning (General Permitted Development) Order 2015 (as amended), Schedule 2, Part 1 (Development within the curtilage of a dwellinghouse), Class A (enlargement, improvement or alteration 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 for the dwelling has not been 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 ground covered 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 highest part of the enlargement 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 of the enlargement would not 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: *The enlargement would not extend beyond a wall which forms the principal elevation or fronts a highway.*

- 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 dwellinghouse is detached and the enlargement would not extend beyond the rear elevation by more than 4 metres and would not 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 dwellinghouse is detached and the enlargement would not extend beyond the rear elevation by more than 4 metres and would not 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 enlargement would not have more than one 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 of the curtilage.*

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 dwellinghouse in the likely event that the bay window is an original structure. However, it would not exceed 4 metres in height, have more than a single storey, nor would it 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: *N/A*

- 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: N/A

- 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.

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 side and rear extension benefits 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) subject to conditions within Class A.3 of the same Order.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan, block plan, existing and proposed elevations and floor plans	25.008(2-)-001 – Rev: B		6 th January 2026

Dated: 25th February 2026