

**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/90235/W

Site: 2, The Courtyard, Fenay Bridge, Huddersfield,
HD8 0FT

Description: Certificate of lawfulness for proposed removal of
existing conservatory and erection of single storey rear extension and garage
conversion

Case Officer: Laura Yeadon

Decision Reference: GRANT CERTIFICATE OF LAWFUL OPPS

**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.**

Sarah Longbottom

AUTHORISED OFFICER

Date 30-Mar-2026

Officer Report

[Weblink](#)

Site Description

2 The Courtyard is a three-storey semi-detached dwelling located within an area without notation on the Kirklees Local Plan. The property is constructed from stone with a double driveway to the front of the property leading to an integral garage. A conservatory is attached to the rear of the property with the amenity space for the dwelling, also to the rear.

The surrounding area is predominantly residential with the surrounding properties varying in terms of design but appear to be of a similar age.

Description of Proposal

Permission is sought for a Certificate of Lawful Development for the proposed removal of existing conservatory and erection of single storey rear extension and garage conversion.

Single storey rear extension

The proposed single storey rear extension is proposed which would replace the existing conservatory. The extension would lie flush with the side elevation of the property and would project 3 metres from the rear of the property, spanning the width of the rear elevation, set in slightly from the shared boundary, No. 4. The eaves height would be 2.5 metres with an overall height of 3.5 metres to the ridge of the lean-to roof. The plans indicate that the proposed construction materials would match the existing.

Garage conversion

It is proposed that the garage would be converted to living accommodation which would involve the removal of the garage door to the front elevation the opening walled up and a door and window inserted. The plans indicate that the infill would match the appearance of the dwellinghouse. There would be no enlargement to the footprint of the dwellinghouse as a result of this alteration.

It is also proposed that a window would be installed at ground floor level within the side elevation.

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 meets the criteria within Part A of the GDPO.

History of negotiations/amendments received

No negotiations have taken place and no amended plans received.

Relevant Planning History

2001/90629 – Outline application for residential development including means of access, and demolition of existing building – Section 106 Outline Permission

2002/92094 – Erection of 250 dwellings – Approval of reserved matters

2002/94096 – Variation of conditions 2, 14, 17, 18, 19 and 27 relating to commencement of development including means of access and demolition of existing building – Conditional Full Permission

Consultation Responses

Kirkburton Parish Council – no comment

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).

Relating to point 1 above, Paragraph (2) (a) of 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 purposes of this Act to involve development of the land –

- (a) The carrying out for the maintenance, improvement or other alteration of any building of works which –

- (i) affect only 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 work begun after 5th December 1968 for the alteration of a building by providing additional space in it underground.

The works to replace the conservatory with a single storey rear extension, the works to block up the garage door and install a window in addition to a window within the side elevation of the property would affect the external appearance of the building and therefore, it is concluded that the proposed works would fall within the definition of 'development'.

Therefore, the proposal is assessed against the criteria of Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as follows:

Class A

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: *As a result of the works, no more than 50% of the ground would be covered by buildings within 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 enlarged part of the dwellinghouse would not exceed the height of the highest part of the roof of the 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 enlarged part of the dwellinghouse 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 enlarged part of the dwellinghouse does not form the principal elevation of the dwellinghouse or fronts a highway and forms a 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 enlarged part of the dwellinghouse would have a single storey and would not extend beyond the rear of the wall by more than 3 metres nor would 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 enlarged part of the dwellinghouse would have a single storey and would not extend beyond the rear of the wall by more than 3 metres nor would it 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 enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse however the height of the eaves 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: *The enlarged part of the dwellinghouse would not extend beyond a wall forming a side elevation 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: *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 granted 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 rear extension, garage conversion and side elevation ground floor window benefit from a general planning permission granted under 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
Application form			3 rd February 2026
Location plan	2025176-LOC – P0		3 rd February 2026
Existing site plan, elevations and floor plans	2025176-101 – P0		3 rd February 2026
Proposed site plan, elevations and floor plans	2025165-102 – P0		3 rd February 2026

Dated: 18th March 2026

