

**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/90338/W

Site: 20, The Paddock, Kirkheaton, Huddersfield, HD5
0ER

Description: Certificate of lawfulness for proposed erection of
single storey rear extension and associated alterations

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 31-Mar-2026

Officer Report

Site Description

20 The Paddock, Kirkheaton is a detached property located on land without notation on the Kirklees Local Plan. The property is constructed from brick and render. Amenity space is located to the front and rear of the dwelling with a driveway accessed off The Paddock leading to an integral garage.

Description of Proposal

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

The extension would be located to the rear of the property. It is proposed that the existing lean-to roof would be removed.

The plans indicate that the extension would lie flush with the existing side elevation of the property and would project 9 metres to the rear of the original dwellinghouse and would be a width of 3.6 metres beyond the side elevation of the original dwellinghouse. The extension would have a total height of 3 metres to eaves and 3.4 metres to lantern.

The submitted information states that the construction materials would be to match.

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 does not extend beyond the rear of the original dwelling by more than 4m, does not exceed 4m in height, the eaves does not exceed 3m in height and shall be constructed using materials to match the host dwelling. No evidence is provided to demonstrate the layout of the original dwellinghouse.

History of negotiations/amendments received

No negotiations have taken place and no amended plans received.

Relevant Planning History

1990/00073 – Erection of extension at first floor level to form bedroom and shower room – Conditional Full Permission

1994/91807 – Erection of dining room extension – Conditional Full Permission

Consultation Responses

None required

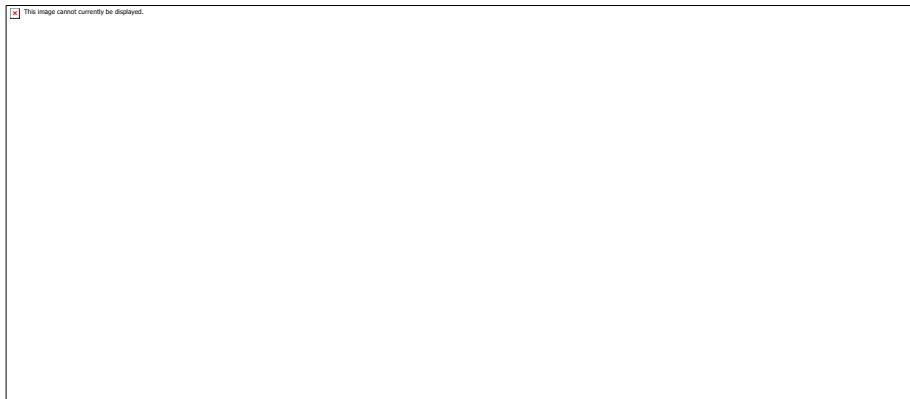
Issues and Assessment

The main considerations in the determination of this application are:

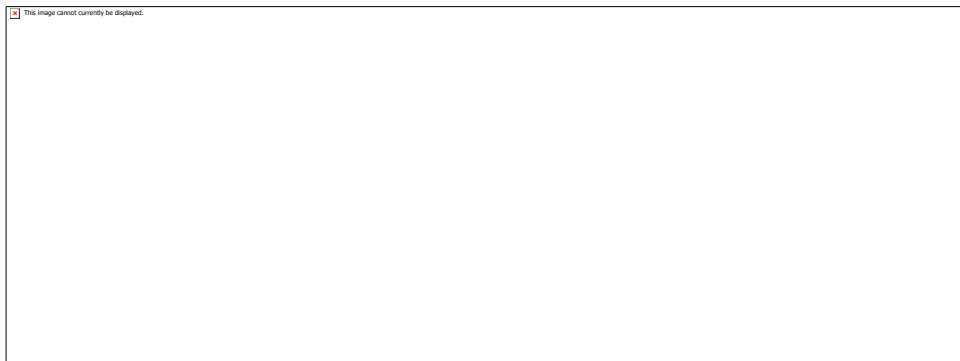
1. Whether the proposed development would constitute development as defined within section 55 of the Town and Country Planning Act 1990;
2. If so, whether permitted development rights apply to the property; and
3. Whether the proposed development falls within permitted development under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 1 (Development within the curtilage of a dwellinghouse).

Whilst the extension, in isolation, would appear to comply with the current legislation with regards to extensions, the history of the property and development carried out carries weight in the assessment of the proposal.

The planning maps dated 1965 demonstrate the building as follows:



The current footprint of the property is as follows:



Therefore, it is clear that the section of accommodation to the rear of the garage comprises of existing extensions to the dwelling. This is also noted on the plans

for the 1990/00073 application where it appears that a two storey extension has been constructed on top and to the rear of the garage, and a ground floor and first floor extension to the rear of the main body of the property. As such, when measuring the property from its original form to existing and proposed form, the proposed form would attach to an existing enlargement to the property and would form both a side extension and a rear extension. The total projection the 'original' rear wall, as part of this application would be approximately 9 metres.

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 detached and the enlargement would extend beyond the rear wall of the dwellinghouse by more than 4 metres. The height of the proposed single storey element of the building would not exceed 4 metres in height.*

- g) For a dwelling not on article 2(3) land not 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 not be on article 2(3) land and the enlargement would extend beyond the rear wall of the dwellinghouse by more than 8 metres but 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 original 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 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;

Comment: *The proposed 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 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 proposed enlarged part of the dwellinghouse would extend beyond the wall forming a side elevation of the original dwellinghouse but would not 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: *The plans demonstrate that the proposed enlargement would attach to the rear wall of a previous enlargement to the property. 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 the total enlargement would have a width of 8 metres a rear projection of 9 metres be more than a single storey with a eaves height of 4.7 metres .The total enlargement would exceed the limitations of sub-paragraphs (f), (g), (h), (i) and (j) by reason of sub-paragraph (ja).*

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.

Comment:

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 proposed single storey rear extension does not benefit from a general planning permission 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) as it would adjoin existing enlargements to the original dwellinghouse resulting in the total enlargement exceeding the limitations of sub-paragraphs (f), (g), (h), (i) and (j) of Class A by reason of sub-paragraph (ja) of Class A.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form	PP-14669146		6 th February 2026

Plan Type	Reference	Version	Date Received
Location plan, existing site plan, elevations and floor plans	20P-STE-XX-ZZ-DR-A-20000 – P02		6 th February 2026
Proposed block plan, elevations and floor plans	20P-STE-XX-ZZ-DR-A-20001 – P02		6 th February 2026

Dated: 24th March 2026

