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/90465/W

Site: 4, Library Close, Lepton, Huddersfield, HD8 0BT

Description: Certificate of lawfulness for proposed change of conservatory to single storey extension

Case Officer**:** Laura Yeadon

Decision Reference: PROPOSED OPERATIONS GRANT

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.

Kevin Walton

AUTHORISED OFFICER

Date 18-May-2026

Officer Report

Weblink

Site Description

4 Library Close is a detached, two storey dwelling which is constructed from brick with a tiled roof. The property has a garage and hardstanding area to the front and to the rear is an enclosed garden. There is also a conservatory attached to the rear of the property which is an original feature of the dwelling.

Surrounding development is predominantly residential.

Description of Proposal

Permission is sought for a Certificate of Lawful Development to change the conservatory to a single storey extension.

The application form states that the proposal is to replace a conservatory to single storey extension under permitted development guidelines.

Information has been submitted by the applicant which demonstrates the following:

Existing conservatory:

- 3.5 metres in projection with chamfered corners
- 3.2 metres in width
- 2.5 metres in height to eaves
- 3.6 metres in height to ridge

Replacement extension:

- 4 metres in projection with no chamfered corners
- 3.55 metres in width
- 2.5 metres in height to eaves
- 3.6 metres in height to ridge

History of negotiations/amendments received

Following discussions with the applicant, email confirmation has been received detailing the dimensions of the existing and proposed extensions including written clarification of the eaves and overall height of the proposed extension.

Relevant Planning History

1989/01693 – Outline application for erection of 2 no. bungalows – Refused

1990/06468 – Outline application for one dwelling – Refused – Appeal Dismissed

1998/92298 – Outline application for residential development – Conditional Outline Permission

2001/90934 – Erection of 7 no. dwellings with garages – Conditional Full Permission

2002/90464 – Erection of 3 detached dwellings with integral garages – Conditional Full Permission

Consultation Responses

None required as the application is for a Certificate of Lawful Development.

Issues and Assessment

Planning permission reference number 2002/90464 was granted for the erection of 3 no. detached dwellings with integral garages which includes the application site. This permission imposed a condition (condition 8) which stated the following:

(8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 no buildings or extensions shall be erected in the site area on the approved plan without the prior written approval of the Local Planning Authority.

The reason for imposing the condition was as follows:

(8) So as not to detract from the privacy of the adjoining residential development and to accord with Policy D2 of the Kirklees Unitary Development Plan.

As this permission has been implemented, permitted development rights have been removed within the site area for building and/or extensions.

Therefore, to change the existing (original) conservatory to a single storey extension would be contrary to the condition imposed on the approved planning application reference 2002/90464.

Article 3(4) of The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended provides that permitted development (PD) rights will not apply if they are *'contrary to any condition imposed by any planning permission granted or deemed to be granted under Part 3 (or Part 13) if the Act otherwise than by this Order'.* Therefore, to change the conservatory to a single storey extension would be contrary to Condition 8 of planning permission 2002/90464 and therefore permitted development rights would not normally apply.

However, in this instance, it is clear that the condition was in breach in 2008 with evidence demonstrating that sheds are located within the rear gardens of

No's 5 and 6 Library Close. Larger outbuildings have more recently be located within the rear gardens of No's 4 and 5. As there has been a continuous breach of the condition for a period of 10 years or more with no enforcement action taken against the outbuildings, the condition is not enforceable at the time of this application and therefore the removed permitted development rights are now reinstated.

It should be noted, however, that the provisions of section 192(4) may apply in the event a certificate is issued and there is a material change in any matters relevant to determining the lawfulness of the proposed development.

Therefore, the proposal falls to be determined under Class A Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

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 enlarged part of the of 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 of the enlarged part of the of the dwellinghouse would not exceed the height of the highest part 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 proposed enlargement would not project beyond the principal 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 submitted details indicate that the replacement enlargement would not extend beyond the rear wall of the dwellinghouse by more than 4 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 submitted details indicate that the replacement enlargement would not extend beyond the rear wall of the dwellinghouse by more than 4 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 and 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 proposed enlargement is slightly wider than the existing original conservatory and 0.5 metres longer in projection and thus does extend beyond a side elevation of the original dwellinghouse. The proposed enlargement is not, however, wider that more than half the width of the original dwellinghouse and does not exceed 4 metres in height.*

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 of 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 should 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 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 proposed replacement of existing conservatory with a single storey rear extension in the same location 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.

Decision Notice Text

The proposed replacement of existing conservatory with a single storey rear extension in the same location 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:-

Plan Type	Reference	Version	Date Received
Application form			25th February 2026
Location plan	TQRQM26049084852506		25th February 2026
Photograph			25th February 2026
Email	Existing and proposed plans		6th May 2026

Plan Type	Reference	Version	Date Received
Email	Confirmation of eaves and ridge height		6th May 2026

Dated: 6th May 2026