

**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/90475/W

Site: 26, Far View Bank, Almondbury, Huddersfield,  
HD5 8EP

Description: Certificate of lawfulness for proposed erection of  
single storey side 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 08-Apr-2026**

## **Officer Report**

### **Site Description**

26 Far View Bank is a detached property located within an area without notation on the Kirklees Local Plan. The property is constructed from brick work and hosts a driveway to the front leading to an integral double garage. There is a flat roofed section of the property to the side and a conservatory to the rear, amenity space surrounds the property.

### **Description of Proposal**

Permission is sought for a Certificate of Lawful Development for a proposed single storey side extension. The proposed extension would infill the corner of the flat roof section of the property between the side of the garage and the kitchen. The extension would project to the side by 3.55 metres being a depth of 3.94 metres. The overall height would be 3 metres. It is proposed that the extension would be constructed from brickwork with a liquid polyurethane roof.

### **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.

### **History of negotiations/amendments received**

No negotiations have taken place and no amended plans received.

### **Relevant Planning History**

79/00854 – Building over existing open air swimming pool – refused

79/03473 – Erection of building over existing open air swimming pool – approved

### **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; Section 55 (2) provides

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 or works which—  
(i) affect only the interior of the building, or  
(ii) do not materially affect the external appearance of the building,  
and are not works for making good war damage or works begun after December 5, 1968 for the alteration of a building by providing additional space in it underground;

The proposed enlargement of the existing building consists of the infilling of a triangular area enclosed by the existing flat roof enlargement to the original dwellinghouse and the western boundary of the property. The western boundary is enclosed by the neighbouring garage which extends beyond the side elevation of the proposed enlargement and is approximately 600mm higher.

As a result of the surrounding existing build form the proposed enlargement would not be visible from the public realm and neither visible from surrounding properties other than perhaps a small degree of walling when viewed from the private garden of no. 28.

The Court<sup>1</sup> has held that it is not sufficient that works should affect the exterior of the building but rather the test was that they should materially affect the “external appearance. The change must be visible from a number of normal vantage points. The court held that visibility from the air or from a single building would not be sufficient. The change in external appearance had to be judged for its materiality in relation to the building as a whole.

In this case the proposed enlargement cannot be seen from any normal vantage points and whilst it may be visible from the air, and fleetingly from a single building at no. 28, the overall appearance of the building is not considered to be materially affected.

Consequently, the proposed enlargement would not affect the external appearance of the building and is thus not development as defined by section 55 of the Town and Country Planning Act 1990. As the works are not considered to constitute development, there is no requirement under section 57 of the Act to obtain any planning permission and thus the proposed enlargement is considered lawful.

## **Conclusion:**

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<sup>1</sup> *Burroughs Day v Bristol City Council* [1996] 1 P.L.R. 78; [1996] 1 E.G.L.R. 167

The proposed single storey side extension as shown on the plans listed below is not considered to constitute development as defined by section 55 of the Town and Country Planning Act 1990 by reason of the proposed enlargement not affecting the external appearance of the building and by virtue of section 55(2)(a).

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Application form	PP-14688083		18 <sup>th</sup> February 2026
Location plan	PP-14688083v1		18 <sup>th</sup> February 2026
Existing site plan	26 -0200		18 <sup>th</sup> February 2026
Proposed site plan	26 -2000		18 <sup>th</sup> February 2026
Existing elevations and floor plan	26 -0201		18 <sup>th</sup> February 2026
Proposed elevations and floor plan	26-2001		18 <sup>th</sup> February 2026

**Dated:** 30<sup>th</sup> March 2026

