

**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/90668/W

Site: 7, Bedford Close, Lepton, Huddersfield, HD8 0DY

Description: Certificate of lawfulness for two storey rear
extension

Case Officer: Laura Yeadon

Decision Reference: LAWFUL OPERATIONS GRANTED

**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 19-May-2026

Officer Report

[Weblink](#)

Site Description

7 Bedford Close is a red brick semi-detached property located within an area without notation on the Kirklees Local Plan. The property is two storeys in height with varying eaves heights to the front elevation. The property hosts a driveway to the front with further private amenity space to the rear. Surrounding development is predominantly residential.

Description of Proposal

Permission is sought for a Certificate of Lawful Development for a two-storey rear extension. The proposed extension would be located to the rear of the property lying flush with the existing side elevation of the property. The extension/enlargement would be two storey in height, set in from the shared boundary with the attached neighbouring property by 2.2 metres with a projection of 3 metres. The enlargement would have a span across the rear elevation of 6 metres with an eaves height to match the existing and a roof line set down from the existing 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. In this case, the applicant has stated on the application form that the proposal is permitted development.

History of negotiations/amendments received

Negotiations have taken place with the Agent as the original scheme also demonstrating a single storey enlargement which would attach to the proposed two storey enlargement. As the proposed works would fall to be considered as a two storey enlargement in totality, inclusion of the single storey element would fail to comply with current legislation. As such, discussions took place with the Agent and the single storey element has been removed from the scheme. Therefore, the plan to be considered is reference 2026/005/03A received on 18th May 2026.

Relevant Planning History

None

Consultation Responses

Kirkburton Parish Council – confirm they have no comment to make.

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).

Officer Note

In this case, the application form and submitted details only refer to the construction of a two-storey rear extension. The works demonstrated on the submitted plans (ref: 2026/005/03A) indicate that the roof of the proposed two storey element of the extension would cut into and attach to the existing form. Class A of Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) only relates to extensions to dwellinghouses with Class B referring to alterations to the roof. Therefore, the proposal falls to be considered under Schedule 2, Part 1, Class A and Class B of the aforementioned regulations.

In terms of the roof alteration, the plans, when measured, indicate that the volume increase of roof space would be circa 25 cubic metres.

Class A – two storey and single storey extension

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 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 works to construct the enlargement would not result on the total area of ground covered exceeding 50%.*

- 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 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 eaves to the rear of the 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 house would not extend beyond a wall forming the principal elevation nor does it front a highway and form 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: *Not applicable as the enlarged part of the dwellinghouse would not be a single storey enlargement and would be a two-storey enlargement.*

- 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: *Not applicable as the enlarged part of the dwellinghouse would not be a single storey enlargement and would be a two-storey enlargement.*

- 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 have more than one storey and would not extend beyond the rear wall of the dwellinghouse by more than 3 metres. The proposal would not be within 7 metres of any boundary of the dwellinghouse opposite the rear wall.*

- 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.*

- 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: *Not applicable as 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: *The proposal would result in the alteration of part of the roof of the dwellinghouse. Therefore, the enlargement would fall to be compliant with Schedule 2, Part 1, Class B.*

- 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.

Comment: *The dwelling is not on article 2(3) land*

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.

Comment: *The submitted plans demonstrate materials to be of a similar appearance and that no upper floor windows are proposed.*

Class B – alteration to the roof of a dwellinghouse

B. The certificate of lawful development for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof is permitted development subject to complying with the relevant criteria below:

Development not permitted

B.1 Development is not permitted by Class B 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 has not been granted by virtue of any of the above.*

- (b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;

Comment: *No part of the dwellinghouse, as a result of the works would exceed the height of the highest part of the dwellinghouse.*

- (c) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;

Comment: *No part of the dwellinghouse would, as a result of the works, extend beyond an existing roof slope which forms the principal elevation.*

- (d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than –

- (i) 40 cubic metres in the case of a terrace house, or
- (ii) 50 cubic metres in any other case

Comment: *The cubic content of the resulting roof space would not exceed 50 cubic metres. The proposed additional volume is within this limit.*

- (e) it would consist of or include –

- (i) the construction or provision of a verandah, balcony or raised platform, or
- (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe;

Comment: *The proposal does not include any of the above on the submitted plans.*

- (f) the dwelling is on article 2(3) land;

Comment: *The dwellinghouse is not on article 2(3) land.*

- (g) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses) or

Comment: *The dwellinghouse was not built under Part 20 of the Schedule.*

- (h) the existing dwellinghouse has been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys).

Comment: *The existing dwellinghouse has not been enlarged via a Class AA permission.*

Conditions

B.2 Development is permitted by Class B subject to the following conditions –

- (a) the materials used in any exterior work must be of similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
- (b) the enlargement must be constructed so that –
 - (i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof of the to the roof of a rear or side extension –
 - (aa) the eaves of the original roof are maintained or reinstated; and
 - (bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and
 - (iii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and
- (c) any window inserted on 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.

Comment: *The submitted plans demonstrate materials to be of a similar appearance and that no upper floor windows are proposed.*

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 two-storey rear extension benefits from a general planning permission by virtue of Article 3(1) and Schedule 2, Part 1, Class A and Class B of the Town and Country Planning (General Permitted Development) (England) Order

2015 (as amended) subject to conditions stated in paragraphs A.3 and B.2 of the same Order.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			16 th March 2026
Location plan	LP01		16 th March 2026
Existing and proposed elevations and floor plans	2006/005/03A		18 th May 2026

Dated: 18th May 2026