

**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/90839/E

Site: 78, Huddersfield Road, Skelmanthorpe,
Huddersfield, HD8 9AS

Description: Certificate of lawfulness for proposed loft
conversion with rear dormer extension and erection of rear juliet balcony with
associated alterations

Case Officer: Laura Yeadon

Decision Reference: Certificate 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.**

Lee Stoney

AUTHORISED OFFICER

Date 29-May-2026

Reference: 2026/90839

Location: 78, Huddersfield Road, Skelmanthorpe, Huddersfield, HD8 9AS

Proposal: Certificate of lawfulness for proposed loft conversion with rear dormer extension and erection of rear balcony with associated alterations

Site Description

78 Huddersfield Road, Skelmanthorpe is a semi-detached property located within an area without notation on the Kirklees Local Plan. The property is constructed from stone with a concrete tiled pitched roof.

The property is a bungalow with a rear elevation which has an under-build which hosts a garage and workshop.

To the east, south and west are mainly residential property and to the north are open fields which are within the defined Green Belt.

Description of Proposal

Permission is sought for a Certificate of lawfulness for proposed loft conversion with rear dormer extension and erection of rear balcony with associated alterations. The works proposed are:

- Internal loft conversion
- Rear dormer extension – 6.4m x 3m x 4.2m / 2 = 40.3 cubic metres
- Juliet balcony off the proposed dining room (no platform)
- Rooflight within the rear elevation
- Rooflights (x2) within the front elevation

History of negotiations

None

Relevant Planning History

None

Consultation Response

Denby Dale Parish Council – no objections

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; If so, whether permitted development rights apply to the property; and

1. Whether the proposed development falls within permitted development under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

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 alteration of any building of works which –*
 - i) *affect only the interior of the building, or*
 - i) *do not materially affect the external appearance of the building,*

and are not for works for making good war damage or works begun after 5th December 1968 for the alteration of a building by providing additional space in it underground.

The works to form an additional window and a Juliet balcony do affect the external appearance of the dwelling to a certain degree. However, the works would be to the side and rear elevation and have limited visibility from public vantage points due to the layout of surrounding land. The proposed side elevation opening would be small and non-opening and would match the existing in terms of general appearance and to form the Juliet balcony, the existing opening would be lengthened. In this instance, it can be reasonably considered that to add an additional opening to the side of the property and to widen the existing rear elevation opening to form a Juliet balcony, albeit within a sensitive location does materially impact the external appearance of the dwelling and is considered to be development as defined by Section 55 of the Town and Country Planning Act 1990.

As such, permitted development rights under Class A may then apply. Class A of Part 1 permits the enlargement, improvement or alteration of a dwellinghouse subject to relevant limitations. Some sub-paragraphs in this instance are not relevant as they relate solely to enlargements of a dwellinghouse. The proposed roof lights fall to be considered under Class C of Part 1 of The Town and Country Planning (General Permitted Development) Order 2015 (as amended) with the dormer extension considered under Class B.

Permitted Development

- A.** The enlargement, improvement or other alteration of a dwellinghouse.

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 for the dwelling was not granted by any of the above*

- a) 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 proposed works would not affect the area of ground covered by buildings.*

- b) 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 proposal would not affect the height of the building.*

- c) 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 would not be altered as a result of the works.*

- d) The enlarged part of the dwellinghouse would extend beyond a wall which –
 - (i) forms the principal elevation of the original dwellinghouse; or
 - (i) fronts a highway and forms a side elevation of the original dwellinghouse;

Comment: *The proposal does not relate to an enlargement to the dwellinghouse.*

- e) 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.
 - (i) Exceed 4 metres in height;

Comment: *The proposal does not relate to an enlargement to the dwellinghouse.*

- f) 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
 - (i) Exceed 4 metres in height

Comment: *The proposal does not relate to an enlargement to the dwellinghouse.*

- g) 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 proposal does not relate to an enlargement to the dwellinghouse.*

- h) 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 proposal does not relate to an enlargement to the dwellinghouse.*

- i) 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
 - (i) Have more than a single storey, or
 - (ii) Have a width greater than half the width of the original dwellinghouse

Comment: *The proposal does not relate to an enlargement to the 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 proposal does not relate to an enlargement to the dwellinghouse.*

- j) 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 as the Juliet balcony would not have a platform.*

- k) 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;
- a) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
- b) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.

Comment: *Not applicable*

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;
- a) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—
 - (i) obscure-glazed, and
 - (i) 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
 - (ii) 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 Governments Technical Guidance states that it is important that replacement windows give a similar visual appearance to those in the existing house, for example in terms of their overall shape, and the colour and size of the frames. Whilst, the proposed rear elevation Juliet balcony opening would be lengthened, the overall shape and visual appearance would be considered as 'similar' in appearance. It is noted that the proposed side elevation window would be non-opening, it would need to be obscurely glazed to fulfil the requirement of this condition.*

Permitted development

Dormer – Class B

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 was not granted by any of the above.*

- (a) 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 roof addition would exceed the highest part of the existing roof.*

- (b) 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: *The works would not extend beyond the plane of the existing dwellinghouse of any roof slope which forms the principal elevation of the dwellinghouse and fronts a highway.*

- (c) 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
 - (i) 50 cubic metres in any other case

Comment: *The cubic content of resulting roof space would not exceed 50 cubic metres.*

(d) it would consist of or include –

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

Comment: *None of the above are proposed.*

(e) the dwelling is on article 2(3) land;

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

(f) 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 this Schedule.*

(g) 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 dwellinghouse has not been enlarged by virtue of 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;

(a) the enlargement must be constructed so that –

(h) 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

(ii) 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

(b) 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.

Class C – Any other alterations to the roof of a dwellinghouse

Roof lights

Development not permitted

- 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.*

- a) the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;

Comment: *The alterations would not protrude more than 0.15 metres beyond the plane of the original roof slope*

- b) it would result in the highest part of the alteration being higher than the highest part of the original roof;

Comment: *The alteration would not result in part of the alteration being higher than the highest part of the original roof.*

- c) it would consist of or include-

- (i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
- (i) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment; or

Comment: *None of the above are proposed.*

- d) 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.*

Conditions:

C2. Development is permitted by Class C subject to the condition that any window located on roof slope forming a side elevation of the dwellinghouse must be –

- (a) obscure-glazed; and
- (b) 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.

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 installation of an additional window, a Juliet balcony to the rear elevation, dormer extension to the rear elevation and front and rear elevation roof lights benefit from a general planning permission granted by virtue of Article 3(1) and Schedule 2, Part 1, Class A, B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) subject to conditions within Class A.3, B.2 and C.2 of the same Order.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			31 st March 2026
Location plan	2026122/LOC – Rev: P0		31 st March 2026
Existing site plan, elevations, floor plans and section	2026122 101 – Rev: P0		31 st March 2026
Proposed site plan, elevations, floor plans and section	2026122 102 – Rev: P2		31 st March 2026

Dated: 20th May 2026