

**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/91015/W

Site: 2, Park Street, Nettleton Hill, Huddersfield, HD7
4PB

Description: Certificate of lawfulness for proposed alterations to
integral garage to form additional living space

Case Officer: Laura Yeadon

Decision Reference: LAWFUL OPERATIONS APPROVED

**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 09-Jun-2026

Officer Report

[Weblink](#)

Site Description

2 Park Street is an end-terraced property located within the Green Belt as defined within the Kirklees Local Plan. The property is constructed from stone and is two storeys in height with a driveway and amenity space to the front. Beyond the rear elevation of the property are open fields.

The property benefits from a wrap around two storey side and rear extension.

Description of Proposal

The applicant is seeking a Certificate of Lawful Development for proposed alterations to the integral garage to form additional living space.

Whilst no plans have been submitted within the application submission, the application form details the proposed works as follows:

- Internally convert garage to living accommodation
- Replace existing garage door with bifold doors into existing aperture
- Linking new shower drainage to existing house drainage
- Construction of 1.5m patio from bifold doors on existing drive to join with existing patio in same materials to provide access

The application form goes on to state that the current dark grey garage door would be replaced with bifold glass doors with frames to match the other windows in the house and that all drainage would be hidden from view.

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 states that they have been advised that the proposals would be allowed under permitted development.

History of negotiations/amendments received

No negotiations have taken place and no amended plans received.

Relevant Planning History

2001/91546 – erection of two storey extension – conditional full permission

2003/90080 – erection of two storey extension to side and rear – conditional full permission

Application 2003/90080 appears to have been the scheme which has been implemented rather than permission 2001/91546. Application 2003/90080 includes no restriction in terms of use of the garage.

The conclusion that permission 2003/90080 (2003 permission) has been undertaken rather than 2001/91546 is that the 2003 permission included a single storey protrusion to front. The 2003 permission also included a 2 storey element to rear. By comparison the 2001 permission did not include these elements, as such from viewing the property upon aerial images it is clear only the 2003 permission could have been lawfully undertaken and has been in place since at least 2006.

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;
1. If so, whether permitted development rights apply to the property; and
2. 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).

Relating to point 1 above, Paragraph (2) (a) of 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 other 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 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 remove the garage door and replace this with bi-folding glass doors in frames and the creation of a small patio link would affect the external appearance of the building and therefore, it is concluded that the proposed works fall within the definition of 'development'.

With regards to points 2 and 3 above and whether or not the works are permitted development and would fall within Schedule 2, Part 1, Class A of the GPDO is of relevance as this permits the enlargement, improvement or other alterations of a dwellinghouse subject to relevant limitations.

Class A

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.*

- 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: *No enlargement to the dwellinghouse is proposed.*

- 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: *No enlargement to the dwellinghouse is proposed.*

- 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: *No enlargement to the dwellinghouse is proposed.*

- 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: *No enlargement to the dwellinghouse is proposed.*

- 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: No enlargement to the dwellinghouse is proposed.

- 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: No enlargement to the dwellinghouse is proposed.

- 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: No enlargement to the dwellinghouse is proposed.

- 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: No enlargement to the dwellinghouse is proposed.

- 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: No enlargement to the dwellinghouse is proposed.

- 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: No enlargement to the dwellinghouse is proposed.

- 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: *The application form states that a patio would be created to link the new doors to the existing patio. No details have been submitted to indicate how high the patio would be to determine whether or not the patio would be permitted development or not. For the patio to be considered as permitted development, the maximum height should not exceed 300mm. A note shall be added to the decision notice to ensure that the applicant is aware of this limitation.*

- 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 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;
- 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.

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.

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 alterations to the integral garage to form additional living space benefits from a general planning permission granted by virtue of Article 3(1) and 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 A3 of the same Order.

Note – it is brought to the applicant's attention that no details have been submitted with regard to the height of the patio area to be created. In order for this part of the works to be permitted development, the maximum height of the patio must be no more than 300mm at its highest part.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form	PP-14849868		13 th April 2026
Location plan	TQRQM26104124530481		13 th April 2026
Block plan	TQRQM26104123615658		13 th April 2026

Dated: 26th May 2026