

**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/91030/E

Site: 12, Fishermans Walk, Lower Hopton, Mirfield,
WF14 8QH

Description: Certificate of lawfulness for proposed erection of
single storey side extension

Case Officer: Laura Yeadon

Decision Reference: PROPOSED 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 09-Jun-2026

Officer Report

[Weblink](#)

Site Description

12 Fishermans Walk is a relatively modern detached dwelling located within an area without notation on the Kirklees Local Plan. The property is sited at the head of a cul-de-sac and has a driveway to the side leading to a detached garage. Also to the side of the property is a garden area. The property itself is constructed from facing brick.

Description of Proposal

Permission is sought for a Certificate of Lawful Development for a proposed single storey side extension.

The proposed extension would lie flush with the existing front and rear elevations of the property and would project to the side by 4 metres. The extension would have a flat roof with at an overall height of 2.89 metres. It is proposed that the extension would be constructed from facing brick to match the original dwelling.

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 meets the criteria prescribed within Part A of the GPDO.

History of negotiations/amendments received

No negotiations have taken place and no amended plans received.

Relevant Planning History

2001/92359 – Outline application for residential and employment development with access and associated works – Refused – Appeal upheld

2006/92410 – Reserved matters application for erection of 203 dwellings with garages and B1 office block with associated landscaping and car parking – Approved

2008/95325 – Reserved matters application for landscaping scheme for residential and employment development – Approved

2009/90120 - Discharge of Conditions 10, 11 and 12 on previous application 2001/60/92359/E4 (approved on Appeal) for outline for

residential and employment development with access and associated works – Split decision

2012/91949 - Compliance with conditions from previous application 2001/92359 for Outline application for residential and employment development with access and associated works – Approved

2017/90557 – Erection of 99 dwellings – Section 106 full permission –

It is noted that permitted development rights were not removed by condition

2017/94175 - Discharge conditions 5 (watercourse), 6 (alternate access), 12 (working hours) on previous permission 2017/90557 for erection of 99 dwellings – Split decision

2018/90862 – Non material amendment to previous permission 2017/90557 for erection of 99 dwellings – Approved

2020/91949 - Change of construction hours on previous application 2017/90557 for erection of 99 dwellings – Granted

2020/92281 - Discharge of conditions 5 and 9 of previous permission 2017/90557 for erection of 99 dwellings – Not yet determined

2024/91995 - Discharge of details reserved by condition 9 (gas protection) of previous permission 2017/90557 for erection of 99 dwellings – Not yet determined

Consultation Responses

Mirfield Town Council – no response to date

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).

Class A – enlargements to dwellinghouses

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.*

- 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 total area of ground covered by buildings within the curtilage of the dwellinghouse would not exceed 50%.*

- 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 height of the enlargement would not exceed the height of the highest part of the roof of the dwellinghouse.*

- 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 of the enlargement would not exceed the height of the eaves of the existing dwellinghouse.*

- 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 enlarged part of the dwellinghouse would not extend beyond a wall forming the principal elevation of the original dwellinghouse and whilst it does project beyond a wall forming a side elevation of the original dwellinghouse it does not front a highway.*

- 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 enlarged part of the dwellinghouse would have a single storey and would not extend beyond the rear wall of the dwellinghouse and would not exceed 4 metres in height when measured from the adjacent ground level.*

- 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 storey 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 enlarged part of the dwellinghouse would have a single storey and would not extend beyond the rear wall of the dwellinghouse and would not exceed 4 metres in height when measured from the adjacent ground level.*

- 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 enlarged part of the dwellinghouse would not be more than single storey.*

- 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 enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse and the height to the eaves (overall height in this case as a flat roof is proposed) would not exceed 3 metres.*

- 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 enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse. However, it would not exceed 4 metres in height, would not have more than a single storey and*

would not have a width greater than half the width 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*

- 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.*

- 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.

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 single storey side extension 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 A.3 of the same Order.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			14 th April 2026
Location plan	2026111-LOC – P0		14 th April 2026
Existing site plan, elevations and floor plans	2026111-101 – P0		14 th April 2026
Proposed site plan, elevations and floor plans	2026111-102 – P2		14th April 2026