

**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/91261/E

Site: 25, Balmfield Crescent, Roberttown, Liversedge,
WF15 7PW

Description: Certificate of lawfulness for proposed rendering of
gable end

Case Officer: Laura Yeadon

Decision Reference: LAWFUL OPERATIONS REFUSED

**I hereby authorise the refusal 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 10-Jul-2026

Officer Report

[Weblink](#)

Site Description

25 Balmfield Crescent is an end terraced property located within an area without notation within the Kirklees Local Plan. The property is single storey to the front with a white clad dormer within the front elevation roof slope and is two storeys to the rear. Amenity space is to the front and rear of the property with a driveway to the side leading to a detached double garage. To the rear of the property is a conservatory and a number of small outbuildings.

Description of Proposal

Permission is sought for a Certificate of Lawful Development for the proposed rendering of the gable end of the property. The submitted information indicates that a feature panel would also be rendered to the front of the property.

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 planning permission for the works is not required as the property is not a listed building or within a Conservation Area.

History of negotiations/amendments received

No negotiations have taken place and no amended plans received.

Relevant Planning History

2003/93202 – Use of dwelling to operate private hire vehicle – Conditional Full Permission

2004/93281 – Use of dwelling to operate private hire vehicle – Conditional Full Permission

Consultation Responses

None required as the application is for a Certificate of Lawful Development

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).

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*
 - ii) *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 render a section of the front elevation and the gable end elevation does affect the external appearance of the dwelling to a certain degree. In this instance, it can be reasonably considered that works to 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.

Class A - 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 to use the dwellinghouse as a dwellinghouse was not 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: *Not applicable as there are no proposed enlargements to the property.*

- 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: *Not applicable as there are no proposed enlargements to the property.*

- 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: *Not applicable as there are no proposed enlargements to the property.*

- 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: *Not applicable as there are no proposed enlargements to the property.*

- 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 there are no proposed enlargements to the property.*

- 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 there are no proposed enlargements to the property.*

- 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: *Not applicable as there are no proposed enlargements to the property.*

- 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: *Not applicable as there are no proposed enlargements to the property.*

- 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 there are no proposed enlargements to the property.*

- 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 as there are no proposed enlargements to the property.*

- 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: *None of the above are proposed.*

- 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: *In this case, the works would introduce a white coloured render to the external walls of the dwellinghouse where no render is currently evident. Therefore, the works would fail to comply with this condition as the proposed materials would not be of a similar appearance to those used in the construction of the exterior of the existing 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 refusal.

The rendering of the gable end and a section to the front elevation does not benefit 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) as the proposed works would fail to comply with paragraph A.3 of the same Order.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form	PP-14924781		11 th May 2026
Location plan	TQRQM26131123563083		11 TH May 2026
Photo montage	Existing and proposed images		11 th May 2026

Dated: 6th July 2026