

**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/91289/W

Site: 43, Woodlea Avenue, Marsh, Huddersfield, HD3
4EF

Description: Certificate of lawfulness for proposed erection of
single storey rear extension and associated alterations

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 09-Jul-2026

Officer Report

[Weblink](#)

Site Description

43 Woodlea Avenue is a detached property located within an area without notation on the Kirklees Local Plan. The property is constructed from artificial stone with a tiled roof. To the front of the property is a driveway and detached garage and to the sides and rear are garden areas. Also, to the rear of the property is a rearward projection.

Description of Proposal

Permission is sought for a Certificate of Lawful Development for a proposed single storey rear extension. The extension would attach to and lie flush with the existing rearward projection spanning the full width of the property. The extension would project 3.02 metres from the rear elevation of the property and would have an eaves height of 2.5 metres with an overall height of 3.55 metres.

The proposed extension would be constructed from artificial stone with a concrete tiled roof.

Officer Note

The proposed enlargement would be located to and attached to the side elevation of an original feature of the property (rearward projection) which was Plot 58 of planning permission reference 96/93433. As such the proposed extension/enlargement would be located to and attached to the side elevation of the original building (as constructed) and therefore required to be assessed as a side and rear extension.

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 would fall within permitted development rights.

History of negotiations/amendments received

No negotiations have taken place and no amended plans received.

Relevant Planning History

1996/93433 – Erection of residential development (150 dwellings) and garages and associated works.

As part of this planning decision, a number of conditions were imposed on the decision notice which included the removal of permitted development rights for extensions and buildings on certain plots within the development. This application relates to the former Plot 58 and falls outside of the requirements of the condition 18. Condition 23 relates to the removal of permitted development rights for buildings or extension on the drives of all plots and Condition 24 related to the conversion of integral garages.

As the proposed works do not fall within the parameters of conditions 23 and 24 nor condition 18, the property retains its permitted development rights for extensions and alterations.

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;
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 form an extension to the property is considered to affect 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: *No more than 50% of the ground within the curtilage would be covered by buildings.*

- 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 building 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 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 would not extend beyond a wall which forms the principal elevation of the original dwellinghouse or fronts a highway and forms 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: *The enlarged part of the dwellinghouse would have a single storey and would not extend beyond the rear wall of the original dwellinghouse by more than 4 metres and it does not exceed 4 metres on height.*

- 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 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
- (ii) 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 original dwellinghouse by more than 4 metres and it does not exceed 4 metres on height.*

- 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 the enlargement would not have more than a single storey.*

- 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 be within 2 metres of the boundary of the curtilage of the dwellinghouse however the eaves height would not exceed 3 metres.*

- 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: *The rearward projection is an original feature as it is evident on the proposed site plan of the 1996/03433 approved drawing. Therefore, as demonstrated on page 22 of the Permitted development rights for householders – Technical Guidance document, the enlargements would also*

be deemed side extensions. The enlargements would not exceed 4 metres in height, would not have more than a single storey, however, when measured alongside the original feature the structure would be more than half the width of the original dwellinghouse. The Technical Guidance is clear on page 23 that 'if the proposed extension creates a total enlargement which has a width greater than half the width of the original dwellinghouse, it would not be permitted development.' The proposal therefore fails to comply with this requirement.

- 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: *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.

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.

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 development does not benefit from a general planning permission under 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 enlargement would extend beyond a wall forming the side elevation of the original dwellinghouse and would have a width more than half the width of the original dwellinghouse contrary to sub-paragraph A.1 (j) (iii) of Class A.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form	PP-14932784		13 th May 2026
Location plan	LP01		13 th May 2026
Block plan	BP01		13 th May 2026
Existing and proposed elevations and floor plans	2026/019/03		13 th May 2026

Dated: 8th July 2026