

**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/91420/W

Site: 11, Deer Croft Crescent, Salendine Nook,  
Huddersfield, HD3 3SG

Description: Certificate of lawfulness for proposed for erection  
of extension and front porch and conversion of garage to habitable  
accommodation

Case Officer: Laura Yeadon

**Decision Reference: PART APPROVE/PART REFUSE CERTIFICATE OF  
LAWFUL OPPS**

**I hereby authorise the partial approval and partial refusal of this  
application for the reasons set out in the officer's report and  
recommendation annexed below in respect of the above matter.**

Sarah Longbottom

**AUTHORISED OFFICER**

**Date 21-Jul-2026**

## **Officer Report**

### **[Website](#)**

## **Site Description**

11 Deer Croft Crescent is a two storey semi-detached property located within an area without notation on the Kirklees Local Plan. The property is constructed from brick, stone and render and has a hipped roof. To the front of the property is an area of hardstanding for off-street parking and to the rear is amenity space which also appears to be hardstanding. To the side of the property is a single storey garage which appears to be an original structure and is evident on the 1965 historical maps held by the Council.

## **Description of Proposal**

Permission is sought for a Certificate of Lawful Development for a proposed rear extension, front porch and garage conversion.

### **Extension**

The rear extension is indicated on plan to sit behind the garage and infill the rear of the garage and to lie flush with the rear of the property. In such circumstances the extension would be deemed to be both a side and rear elevation as the extension would extend beyond the side and rear of original elevations of the property. However, in this case, it is proposed that the height of the garage part of the building is raised to make the ceiling height level with the ground floor. Therefore, the works are more akin to a replacement extension and therefore will be assessed as a full side extension. Consequently, it is considered necessary to modify the description of development under the provisions of Section 191(4) of the Act to describe the development specified on the decision notice.

The proposed extension would lie flush with the front elevation of the property and would project to the side by 2.8 meters. The extension would span the full depth of the property lying flush with the rear elevation. The extension would have an overall height of 2.8 metres.

### **Porch**

A porch is proposed to be constructed on the front elevation of the property. It would project forward of the section of front elevation by 1.5 metres and would have a width of 2.8 metres and an overall height of 3.3 metres.

### **Garage conversion**

As concluded above, the existing garage would be extended and raised in height and is therefore considered to be a new extension. Therefore, whilst interpreting the proposed as a new extension, the conversion of the garage shall still be assessed for completeness. It is proposed that the garage door

would be removed and walled up and a window installed, the existing window within the side elevation of garage would be removed and a smaller one installed. Internally, the garage accommodation would be removed and replaced with habitable accommodation.

### 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 is permitted development.

### **History of negotiations/amendments received**

No negotiations have taken place and no amended plans received.

### **Relevant Planning History**

None

### **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).

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 5<sup>th</sup> December 1968 for the alteration of a building by providing additional space in it underground.*

The works to extend the property by way of an extension to the side, convert the garage accommodation to habitable accommodation and a porch 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.

#### 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.*

- 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 more than 50% of the ground within the curtilage would be 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 height of the enlarged part of the building and the garage conversion would not exceed the height of the highest part of the roof of the existing 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 and garage conversion 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 and garage conversion 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.*

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 be to the side of 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 enlarged part of the dwellinghouse and garage conversion would have a single storey and would not extend beyond the rear wall of the original dwellinghouse and it does not exceed 4 metres on height.*

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:** *Not applicable as the enlargement and garage conversion would not have more than a 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 and garage conversion would be within 2 metres of the boundary of the curtilage of the dwellinghouse although the eaves (overall height in this case) 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 proposed extension would be to the side of the 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 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.

Class D - The erection or construction of a porch outside any external door of a dwellinghouse.

### **Development not permitted**

D.1 Development is not permitted by Class D 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 was not granted for the use of the dwellinghouse as a dwellinghouse by any of the above Classes.*

- a) the ground area (measured externally) would exceed 3 square metres;

***Comment:*** *The ground area of the porch would exceed 3 metres and would therefore fail to meet this requirement.*

- b) any part of the structure would be more than 3 metres above ground level;

***Comment:*** *The porch would be more than 3 metres above ground level and would therefore fail to meet this requirement.*

- c) any part of the structure would be within 2 metres of the boundary of the curtilage of the dwellinghouse with a highway, or

**Comment:** No part of the structure would be within 2 metres of the boundary of the curtilage with a highway.

- d) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

**Comment:** The dwelling was not built under Part 20 of this Schedule.

**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 of the side extension and garage conversion and refusal of the porch.

Section 193(4) of the Town and Country Planning Act allows for the Local Planning Authority to issue a decision:

- a) for the whole part of the land specified in the application; and  
a) where the application specifies two or more uses, operations or other matters, for all of them or some one or more of them:

and shall be in such form as may be prescribed by a development order.

As such:

The single storey side extension/garage conversion 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.

The proposed porch does not benefit from a general planning permission under Article 3(1) and Schedule 2, Part 1, Classes A and D of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as the structure would fail to comply with paragraphs D.3(b) and (c) of the same Order.

Plans and specifications schedule:-

| Plan Type                                     | Reference                 | Version | Date Received             |
|-----------------------------------------------|---------------------------|---------|---------------------------|
| Application form                              | PP-14942687               |         | 26 <sup>th</sup> May 2026 |
| Location plan and proposed site plan          | TR-A26-0407-003<br>Rev: B | –       | 26 <sup>th</sup> May 2026 |
| Proposed elevations, floor plans and 3D front | TR-A26-0407-004<br>Rev: B | –       | 26 <sup>th</sup> May 2026 |
| Existing elevations,                          | TR-A26-0407-002           | –       | 26 <sup>th</sup> May 2026 |

| <b>Plan Type</b>                     | <b>Reference</b>            | <b>Version</b> | <b>Date Received</b>      |
|--------------------------------------|-----------------------------|----------------|---------------------------|
| floor plans and 3D front             | Rev: B                      |                |                           |
| Location plan and existing site plan | TR-A26-0407-001 –<br>Rev: B |                | 26 <sup>th</sup> May 2026 |

**Dated:** 17<sup>th</sup> July 2026