

**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/91470/E

Site: 14, Southfield Court, Highburton, Huddersfield,
HD8 0RG

Description: Certificate of lawfulness for proposed demolition of
existing rear extension and erection of single storey rear extension

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 23-Jul-2026

Officer Report

[Weblink](#)

Site Description

14 Southfield Court is a two storey semi-detached property located within an area of land without notation on the Kirklees Local Plan. The property is two storeys in height and is constructed from brick with a concrete tiled. There is a garden area to the front, a driveway to the side which leads to a detached garage and a further amenity space to the rear. There is an existing outrigger to the rear of the property which is an original feature and projects approximately 1.2 metres and is part the width of the rear of the dwellinghouse.

Description of Proposal

Permission is sought for a Certificate of Lawful Development for a proposed single storey rear extension. It is proposed that the existing outrigger is demolished.

The proposed extension would be 2 metres in projection and would span the full width of the rear elevation. The eaves height would be 2.7 metres with the overall height of the lean-to roof being 3.7 metres.

No details have been submitted with regards to the proposed construction materials.

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*'it is a single storey rear extension projecting just over 2.0m. The height of the roof is under 4.0m. There is an original rear extension to be demolished. Even if the proposed extension is considered as a side extension to this, it will still be under half the full width of the house.'*

History of negotiations/amendments received

No negotiations have taken place and no amended plans received.

Relevant Planning History

None

Consultation Responses

Kirkburton Parish Council – offer no comment to the application

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 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 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 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 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 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 have a single storey and would not extend beyond the rear wall of the original dwellinghouse by more than 3 metres and it does not exceed 4 metres on height.

- 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 would have a single storey and would not extend beyond the rear wall of the original dwellinghouse by more than 3 metres 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 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 would be within 2 metres of the boundary of the curtilage of the dwellinghouse however the eaves height of the eaves 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 project both to the side and to the rear of the existing outrigger. Because it extends beyond the outrigger's side wall, it is considered to be located on the side of the original house. It also extends further back than the outrigger itself, creating a combined side-and-rear enlargement. When assessed as a wrap-around extension, the overall width of the enlarged part would exceed half the width of the original dwelling and therefore fails to meet this part of the criteria.*

- 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.

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 single storey rear extension 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-14971256		29 th May 2026
Location plan	100047514		29 th May 2026
Existing elevations and ground floor plan	2497 – 01		29 th May 2026
Proposed elevations, ground floor plan and 3D images	2497 – 02		29 th May 2026

Dated: 20th July 2026