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/92270/W
Site:	5, Grasmere Road, Meltham, Holmfirth, HD9 4HF
Description: existing rear extension	Certificate of lawfulness for proposed alterations to
Case Officer**:**	James Evans

Decision Reference: Certificate of Lawfulness 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.

Danielle Cooper

AUTHORISED OFFICER

Date 23-Oct-2026

Officer Report

Site Description

The application site refers to 5, Grasmere Road, Meltham, Holmfirth, HD9 4HF, a two storey terraced property faced in natural stone with a pitched slate roof. The dwelling is part of a block of 5 terraced dwellings and has its front elevations facing south east. To the front of the dwelling is a path giving access to the dwellings and large gardens; to the rear of the dwelling is a small yard with the existing conservatory. The rears of the dwellings along Grasmere Road are enclosed with stone walls of differing height between approximately 1.5-2.5m.

The area surrounding the site is residential in nature. The dwellings in the immediate vicinity to Grasmere Road are terraced properties of similar size, style and appearance.

Description of Proposal

Permission is sought for a Certificate of Lawful Development for proposed alterations to the existing rear extension. Proposed works are an upgrade of the existing building, in order to improve insulation standards. The upgraded extension will have the same dimensions as the current extension with a projection of 3.1m, an eaves height of 2.1m and an overall height of 2.9m.

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, and the property retains its permitted development rights.

History of negotiations/amendments received

Officers requested the projection of the development be reduced to 3m, amended plans were received on 20/10/2026.

Relevant Planning History

- 93/03636 – Erection of conservatory extension – Conditional Full Permission
- 2017/93036 (3 Grasmere Road) - Erection of single storey rear extension – Conditional Full Permission

Consultation Responses

No statutory consultations were considered necessary for this 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 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 3 metres in 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 3 metres in 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 does not exceed 3 metres in height.*

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**: Not applicable as the enlarged part of the dwellinghouse would not extend beyond a wall forming a side elevation 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 of 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 approval.

The single storey rear 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 Forms			27/08/2026
Location Plan			27/08/2026
Existing Plans and Elevations	1		27/08/2026
Proposed Plans and Elevations	2B		20/10/2026
Planning Statement			27/08/2026
Historic Floor Plan	93/D40/01		27/08/2026