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.:	2017/CL/92733/W
Site:	48, Chiltern Avenue, Lindley, Huddersfield, HD3 3PF
Description:	Certificate of lawfulness for proposed erection of rear dormer window
Case Officer**:**	Aimee Procter

Decision Reference: PROPOSED OPERATIONS GRANT

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.

Kevin Walton

AUTHORISED OFFICER

Date 18-Sep-2017

Officer Report

Application: 2017/CLD/92733/W
Site: 48 Chiltern Avenue, Lindley, Huddersfield HD3 3PF
Proposal: Certificate of lawfulness for proposed erection of rear dormer window

Site Description

No.48 is a semi-detached bungalow with a garden to the front, a driveway to the side and an enclosed garden to the rear. There is a detached single garage to the rear side of the dwelling. The dwellings on Chiltern Avenue are all of a similar property type and style as the host dwelling.

Application Proposal

The application is for a certificate of lawful proposed development for the erection of a rear dormer window. The onus is on the applicant to provide evidence which states why the proposal fits with the permitted development legislation. In this case, the application has stated on the application form that the proposal of a rear dormer is permitted development.
The extension would have an eaves height of … an overall height of 2 metres and a maximum projection of 3.6 metres from the original rear wall of the dwelling and width of 3 metres.

Relevant Planning History

None

Consultations

This is an application for a Lawful Development Certificate and for this reason, no consultations are necessary.

Policy/Legislation

The Town and Country Planning Act 1990 Section 55(2)(a)(ii);The Town and Country Planning (General Permitted Development) Order 2015.

Assessment:-

The main considerations in the determination of this application are:

1. Whether the proposed development would constitute development as defined section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015;

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) Order 2015, Schedule 2, Part 1 (Development within the curtilage of a dwelling house), Class A (enlargement, improvement or other alteration of a house).

The proposal comprises the erection of a rear dormer window extension. Thus, the proposal constitutes the carrying out of building on or over land that would materially affect the external appearance of the existing building. As such, it is regarded as development as defined by section 55(2) (a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015.

A planning history search for this site has been undertaken and the application property does enjoy all of its Permitted Development Rights.

The application therefore falls to be considered under the Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 1 (Development within the curtilage of a dwelling house), Class B (The enlargement of a dwellinghouse consisting of an addition or alteration to its roof).

Permitted development

B. The certificate of lawful development for the enlargement of a dwellinghouse consisting of an addition or alternation of its roof is permitted development subject to complying with the relevant criteria below.

B.1 Development is <u>not permitted</u> by Class B if –

(a) Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA, or Q of Part 2 of this Schedule (change of use)

Comment *Permission for this dwelling was not granted by virtue of Class M, N, P, PA or Q of Part 2 of this Schedule (change of use).*

(b) Any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof

Comment *The proposed extension would not exceed the height of the highest part of the existing roof.*

(c) Any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principle elevation of the dwellinghouse and fronts a highway

Comment *The proposed extension does not extend beyond the plane of the existing roof slope and does not front a highway.*

(d) The cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than -
(i) 40 cubic metres in the case of a terraced house, or
(ii) 50 cubic metres in any other case

Comment *The cubic content of the roof space is 10.8 cubic metres therefore would not exceed the cubic content of the original roof space by more than 50 cubic metres.*

(e) It would consist of or include -
(i) the construction or provision of a verandah, balcony or raised platform, or
(ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe

Comment *The proposed extension does not include a verandah, balcony or raised platform, and does not include the installation, alteration or replacement of a chimney, flue or soil and vent pipe.*

(f) The dwellinghouse is on article 2(3) land

Comment *The dwelling is not on article 2(3) land.*

B.2 Development is <u>permitted</u> by Class B subject to the following conditions -

(a) The materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse

Comment *The materials used in the exterior work of the proposed extension would match closely with that of the existing dwelling.*

(b) The enlargement shall be constructed so that -
(i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension - (aa) the eaves of the original roof are maintained or reinstated; and (bb) the edge of the enlargement closest to the eaves of the original roof shall, so far as practicable, be not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and
(ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse

Comment *The proposal would not result in changes to the eaves of the original roof. The distance between the edge of the enlargement and the eaves of the original roof would be greater than 0.2 metres. The proposal would not extend beyond any external walls of the original dwellinghouse.*

(c) Any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse shall 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

Comment *The proposed extension is not on the side elevation of the dwelling.*

Conclusion

The proposed development has been assessed against the relevant legislation, Town and Country Planning (General Permitted Development) Order 2015, Schedule 2 Part 1, Class B and it has been deemed permitted development. As a result, it does not require planning permission and the lawful development certificate is therefore approved.

Recommendation: Grant certificate

Decision Authorisation - Delegated Powers
Application Number: 2017/CLD/92733/W
Officer Recommendation: Grant certificate

The proposed erection of a rear dormer as shown on the submitted plans listed in this decision notice benefits from general planning permission granted under Schedule 2, Part 1 (Development within the curtilage of a dwelling house), Class B (The enlargement of a dwellinghouse consisting of an addition or alternation to its roof) of the Town and Country Planning (General Permitted Development)(England) Order 2015 subject to conditions stated within paragraph B.2 of the same Order.

Plan and specifications schedule:

Plan Type	Reference	Version	Date Received
Proposed floor plans	1714-03A		07/08/2017
Proposed elevations	1714-04A		07/08/2017
Grouped plans and elevations	1714-01 existing		07/08/2017

Report Dated: 13/09/2017