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/94102/W

Site: 2, Rowley Drive, Lepton, Huddersfield, HD8 0AH

Description: Certificate of lawfulness for proposed erection of rear dormer and alterations to convert loft to living accommodation

Case Officer**:** Julie Greatbatch

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 24-Jan-2018

Reference: **2017/CL/94102/W**

Applicant: **M Holroyd**

Agent: **P Ibberson, Cadvis 3D**

Location: **2, Rowley Drive, Lepton, Huddersfield, HD8 0DH**

Proposal: **Certificate of lawfulness for proposed erection of rear dormer and alterations to convert loft to living accommodation.**

Site Description

2 Rowley Drive is a semi-detached red brick dwelling, occupying a corner plot in a residential area of Lepton. Its principal elevation is single storey and addresses Rowley Drive, to the east. The site slopes downwards towards the west, along Moorlands Road East, and accommodates a garage underneath the dwelling to the rear, facing Manor Park Way.

The property is constructed predominantly from red brick and currently has a brown, concrete tiled, hipped roof.

Application Proposal

The application is for a certificate of lawful proposed development for the erection of a rear dormer and alterations to convert the loft to living accommodation. 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 that the additional volume proposed is within the permitted limit [of less than 50 cubic metres].

The proposed roof addition follows the line of the existing roof slope on the north-facing (side) elevation and incorporates a Velux roof window.

A vertical dormer is proposed on the west-facing (rear) elevation, set back from the existing eaves by 300mm, and running across the full width of the frontage. This elevation will house a large window and is proposed to be 'face finished in grey'. In order to be permitted development, all exterior materials must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

The dormer returns to the south (side) elevation, facing the adjoining neighbour with a vertical section and a pitched roof, again incorporating a roof light.

No part of the roof extension will exceed the highest part of the existing roof.

Relevant Planning History

None

Consultations

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

Policies

The site has no policy based constraints in respect of Permitted Development. As such, the application falls to be considered under the relevant legislation as follows:-

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

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)(England) Order 2015(as amended), Schedule 2, Part 1 (Development within the curtilage of a dwelling house), Class B (additions etc to the roof of a dwellinghouse).

The proposal comprises the erection of a rear dormer and alterations to convert loft to living accommodation. Thus, the proposal constitutes the carrying out of building on and 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.

The application therefore falls to be considered under the Town and Country Planning (General Permitted Development)(England) Order 2015(as amended), Schedule 2, Part 1 (Development within the curtilage of a dwelling house), Class B (additions etc to the roof of a dwellinghouse).

Permitted development

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

Development not permitted

B.1 Development is not permitted by Class B if—

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);

Comment *Permission for this dwelling was not granted by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes 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 *As can be seen from the elevations provided by the applicant, no part of the dwellinghouse will 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 principal elevation of the dwellinghouse and fronts a highway;

Comment *No part of the dwellinghouse would extend beyond the plane of the existing roof slopes visible from the principal elevation.*

(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 terrace house, or
(ii)50 cubic metres in any other case;

Comment *As a semi-detached property, the maximum additional roof volume permitted is 50 cubic metres. The proposed additional volume is within this limit.*

(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; or

Comment *None of the above are proposed.*

(f) the dwellinghouse is on article 2(3) land.

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

Conditions

B.2 Development is permitted by Class B subject to the following conditions—

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

(b) the enlargement must 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 is, so far as practicable, 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; and

(c) any window inserted on 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.

Conclusion

The proposed development has been assessed against the relevant legislation, Town and Country Planning (General Permitted Development)(England) Order 2015(as amended), 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: 2017/94102
Officer Recommendation: Grant certificate

The proposed rear dormer and alterations to convert loft to living accommodation 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 (additions etc to the roof of a dwellinghouse) of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) subject to conditions stated in paragraph B.2 of the same Order.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Plans & Elevations – As Existing	1726 – A(00)-01		01/12/2017
Plans & Elevations – As Proposed	1726 – A(10)-01		01/12/2017

NOTE: Condition B.2 (a) states that the materials used in any exterior work must be of similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

Officer Signature: Julie Greatbatch

Report Dated: 22/01/2018