

**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.: 2018/CL/91271/E

Site: 7, Hayson Close, Dewsbury, WF12 7LY

Description: Certificate of lawfulness for proposed erection of
dormer extension and alterations from hip to gable roof

Case Officer: Josh Kwok

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 21-Jun-2018

Reference:- 2018/91271

Applicant:- Mrs D Greaves

Location:- 7 Hayson Close, Dewsbury

Proposal:- Certificate of lawfulness for proposed erection of dormer extension and alteration from hip to gable roof

Site Description

The site is no.7 Hayson Close, Dewsbury. It consists of a brick built semi-detached bungalow, a green space to the front, a driveway to the side and a reasonable sized garden to the rear. The boundary treatment comprises bushes, garden fences and stone walls. The site and its surrounding area are purely residential characterised by brick built semi-detached bungalows with various forms of extensions.

Application Proposal

This applicant seeks a certificate of lawfulness for proposed erection of flat roof dormer and hip to gable extension. 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. The details of the proposal shall be set out below:

- 1.9m high x 6.2m wide x 4.9m deep (dormer)
- 5.0m wide x 2.5m high x 10.0m deep (hip to gable extension)
- Roofing materials to be flat roof membrane and tiles
- Externals walls to be constructed in bricks

Relevant Planning History

2017/91562 – Certificate of lawfulness for proposed erection of dormers to rear

Consultations

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

Policies /Legislation

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.
1. If so, whether Permitted Development rights apply to the property; and
2. Whether the proposed development falls within the remit of permitted development under Class B (additions etc to the roof of a dwellinghouse) of Part 1 (Development within the curtilage of a dwelling house) of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015(as amended)

The proposal consists of erection of flat roof rear dormer and hip to gable extension. 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 property is not within a Conservation Area, nor is it a listed building and it does enjoy all of its permitted development rights.

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

Permitted development

B. The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

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: The proposal would not result in any part of the dwelling house exceeding 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: The proposal would not protrude beyond the plane of any existing roof slopes which forms the principle elevation of the dwellinghouse and 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 terrace house, or
- (ii) 50 cubic metres in any other case;

Comment: The cubic content of the resulting roof space would be 49.7m³, which equals to the sum of the roof space of the proposed hip to gable extension (20.8m³) and the roof space of the proposed flat roof rear dormer (28.9 m³).

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

Comment: The dormer would not include any of those features specified in (i) and (ii). The house to which this proposal relates 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;

Comment: the application form states that the building materials would match those of the existing property, though it is noted that the dormer would be constructed in cladding and flat roof membrane.

(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

Comment: the eaves of the original roof are shown to remain the same as existing and the lowest point of the dormer would not be less than 0.2 metres from the eaves.

(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.

Comment: The window in the side elevation of the hip to gable extension is shown to be obscure glazed. A note shall be added to the decision notice to state that this window shall be non-opening window or at least 1.7 above the first floor level.

Conclusion

The proposed development has been assessed against Class B (additions etc to the roof of a dwellinghouse) of Part 1 (Development within the curtilage of a dwelling house) of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 and it has been deemed permitted development subject to the window in the side elevation of the hip to gable extension being a non-opening window. As a result, it does not require planning permission and the lawful development certificate is therefore granted.

Recommendation: Grant Certificate

Decision Authorisation - Delegated Powers**Application Number:** 2018/91271**Officer Recommendation:** Grant Certificate

The proposed development as shown on the submitted plans listed in this decision notice benefits from general planning permission granted under Class B (additions etc to the roof of a dwellinghouse) of Part 1 (Development within the curtilage of a dwelling house) of Schedule 2 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.

NOTE: Notwithstanding the submitted details on the approved plans and drawings in the plans and specification schedule below, condition B.2 of the Order states:-

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

(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.

Plans and specifications schedule:-

Plan Type	Reference	Rev	Date Received
Location plan			19-Apr-2018
Elevations and floor plans as proposed	18/52/1	A	15-June-2018

Date: 21-06-2018