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/92753/W
Site:	14, Howard Avenue, Lindley, Huddersfield, HD3 3DJ
Description:	Certificate of lawfulness for proposed dormer to rear
Case Officer**:**	Callum Harrison

Decision Reference:

I hereby authorise the approval/refusal* (delete as appropriate) 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 08-Oct-2018

Application: 2018/CLD/92753
Site: 14 Howard Avenue, Lindley, Huddersfield HD3 3DJ
Proposal: Erection of a rear dormer and change of a hipped roof to a gable end

Site Description

The application relates to a semi-detached property situated in Lindley at 14 Howard Avenue. It is constructed in red brick and is designed with a hipped roof that is finished with pantiles. The property has a small garden to the front with a larger garden at the rear. The property also has an attached garage at the end of the driveway to the right of the property.
The area surrounding the property is residential however size and style vary. Upon Howard Avenue alone there is a split between natural stone and red brick properties, as well as bungalows, semi-detached properties and larger detached dwellings of a more modern style.

Description of Proposal

The application is seeking a certificate of lawful development for a dormer to the rear including alterations from a hipped roof to a gable end.
The proposed dormer has a length of 6.1m, a height of 2m and a depth of 3.6m. The proposed alterations from a hipped to a gable end means the ridge of the roof will be extended out by 3.6m.

Relevant Planning History

2018/91386 - Erection of two storey and single storey extensions refused.

2017/94039 - Erection of two storey side, single storey rear extensions and dormer to side refused.

2017/92609 - Erection of two storey side and single storey rear extensions given conditional full permission.

2012/93594 – Erection of single storey side and rear extension given conditional full permission.

Representation/Consultations

Publication and consultation are not required for a Lawful Development Certificate for a
proposed domestic development.

Policy/Legislation

As this is for a Lawful Development Certificate, local and national policy documents do not fall to be considered.
As the application is for a Lawful Development Certificate for a proposed use or development, the planning merits of the scheme do not fall to be

considered. The purpose of the application is to determine whether planning permission would be required. The only factors to be taken into account are:
1. Whether the proposed development would constitute development within the meaning of section 55(2)(a)(ii) of the Town and Country Planning Act 1990

2. If so, whether Permitted Development rights apply to the property;

3. And whether the proposal would be Permitted Development under the Town and Country Planning (General Permitted Development)(England) Order (as amended).

Assessment

The proposed extension would constitute a building operation and would materially affect the external appearance of the building. The proposal would therefore be classed as development.
There is a record of some permitted development rights being removed for this property as stated in applications:
2017/92609 - no additional door or window openings other than those expressly authorised by this permission shall be constructed in the external walls of the northern (side) elevation of the extension hereby approved
2012/93594 - no additional door or window openings other than those expressly authorised by this permission shall be constructed in the northern and southern (side) elevations of the extension.
The proposal is to be assessed under the following Classes of Part 1:

B.1 Development is not permitted by Class B if –	**Assessment**
(a) permission to use the dwellinghouse as a dwellinghouse has been granted only be virtue of Class M, N, P, PA or Q of Part 2 of this Schedule (change of use).	No.
(b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof	The Dormer proposed does not extend above the highest point of the house.
(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	The proposal is to the rear of the property, not fronting 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 For the purposes of Class B “resulting	Acceptable as: Dormer = 23.47m3 Hipped to gable ended roof = 10.6m3 Proposed changes only add 34m3 to the host property.

roof space" means the roof space as enlarged, taking into account any enlargement to the original roof space, whether permitted by this Class or not.	
(e) it would consist of or include - (i) the construction or provision of a veranda, balcony or raised platform, or (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe	None of these changes proposed.
(f) the dwellinghouse is on article 2(3) land	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 shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse

(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

(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.

Conclusions

The proposed development has been assessed against the relevant legislation, Town and Country Planning (General Permitted Development)(England) 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: 2018/92753
Officer Recommendation: Approve Certificate

The proposed works would benefit from a general permission granted by virtue of Schedule 2, Class B.1 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) providing the development meets the conditions set out by B.2.
This decision is based on the following plan(s):-

Plan Type	Reference	Version	Date Received
Existing Elevations	1740.6		28/08/18
Existing Floor Plans	1740.2		28/08/18
Location Plan	1740.1		28/08/18
Proposed Elevations	1740.7		28/08/18
Proposed Floor Plans	1740.5		28/08/18
Existing and Proposed Side Elevations	1740.8		28/08/18

Report Dated: 03/09/18