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.:	2019/CL/91685/E
Site:	121, Marsh Lane, Shepley, Huddersfield, HD8 8AS
Description:	Certificate of lawfullness for proposed rear dormer
Case Officer**:**	Jennifer Booth
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 12-Jul-2019

Reference:- 2019/91685

Applicant:- D Jessop

Location:- 121 Marsh Lane, Shepley, HD8 8AS

Proposal:- Certificate of lawfulness for proposed rear dormer

Site Description

The host property is stone fronted semi-detached dwelling with render on the side and rear elevations. The property has a small garden to the front, drive to the side and larger garden to the rear with an existing conservatory style extension.

The property is located within a residential area.

Application Proposal

The application is for a certificate of lawful proposed development for a rear dormer. 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 dormer would be set up 0.7m from the eaves, 1m down from the apex and would have a width of 4.8m. The dormer would have a flat roof form and would be clad with composite panels.

Dormer = 4.8m x 2.5m x 2m / 2= 12sqm

Relevant Planning History

None

Consultations

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

Legislation

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;

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 formation of a dormer within the rear roof plane. 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).

Permitted development – Rear dormer

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); **N/A**

(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 proposal does not exceed the existing height of the dwelling.*

(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 proposals would not extend beyond the existing roof slope on 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;

Rear dormer = 12sqm

(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 ***N/A***

(f) The dwellinghouse is on article 2(3) land. **N/A**

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.

Interpretation of Class B

B.3 For the purposes of Class B, “resulting 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.

B.4 For the purposes of paragraph B.2(b)(ii), roof tiles, guttering, fascias, barge boards and other minor roof details overhanging the external wall of the original dwellinghouse are not to be considered part of the enlargement.
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Conclusion

The proposed dormer within the rear roof plane of 121 Marsh Lane would be permitted development as set out in Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) subject to respective conditions as set out in paragraphs B.2 of the same Order.

Recommendation: GRANT certificate

Decision Authorisation - Delegated Powers
Application Number: 2019/91685
Officer Recommendation: Grant certificate

The proposed dormer within the rear roof plane of 121 Marsh Lane would benefit from a general planning permission by virtue of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) subject to respective conditions as set out in paragraphs B.2 of the same Order.

Plans and specifications schedule:-

Plan Type	Reference	Web ID	Date Received
Proposed plans	(20)002	751436	20/05/2019

Report Dated 28/05/2019