

**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.: 2021/CL/92719/W

Site: 99, Carrs Road, Marsden, Huddersfield, HD7 6JJ

Description: Certificate of proposed lawfulness for erection of
dormer

Case Officer: Tom Hunt

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-Sep-2021

OFFICER REPORT – 2021/92719

Site Description

99, Carrs Road, Marsden, Huddersfield, HD7 6JJ

No. 99 is a mid terraced property in a row of terraced dwellinghouses fronting onto the main highway. It is constructed of stone and tile roof. The property benefits from amenity spaces to the front and rear. The dwelling is within a residential area. The original property has not previously been enlarged.

Application Proposal

The development proposed is the erection of a roof enlargement on the rear roof slope (southeast). The enlargement spans the whole roof plane and utilises the existing roof space to create an additional bedroom accessed via an internal staircase. Two openings serving the bedroom overlook directly No. 9 Carrs Street.

Measured externally the enlargement is 5.2 metres wide, 2.3 metres high and 3.8 metres deep (34.11 cubic metres in volume). It would be set back 0.2m from eaves.

An email received from the applicant states the materials will match the existing similarly with rubber roof system and cheeks/front to be clad in PVC to match the colour of the roof.

An email received from the applicant confirmed, for the avoidance of doubt following assessment of received plans, that the dormer is to be a rear dormer erected on the south east roof slope.

Relevant Planning History

None at site.

Consultations

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

Legislation

The Town and Country Planning Act 1990 Section 55 & 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 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 substantial enlargement of the existing roof and will be visible from a number of vantage points outside the premises. 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 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 (enlargement, improvement or alterations of a house).

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); **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;

As stated above the roof space of the property has not been previously enlarged and the total resulting roof space would increase the original roof space by 34.11 cubic metres and therefore within the above limitation.

(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.

Conclusion

The proposed roof enlargement 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 conditions as stated in paragraph B.2 of the same Order.

Recommendation: GRANT certificate

Decision Authorisation - Delegated Powers**Application Number:** 2021/92719**Officer Recommendation:** Approve certificate

The proposed roof enlargement would benefit from a general planning permission by virtue of Article 3(1) and Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development)(England) Order 2015(as amended) subject to conditions as stated in paragraph B.2 of the same Order.

The permission is only for the erection of the dormer on the rear of the property (southeast slope) and confirmed by the applicant in referenced email communication as set out in Plans and specifications schedule henceforth.

Plans and specifications schedule: -

Plan Type	Reference	Date Received
Application form	-	02/07/2021
Plans – Grouped Plans and Elevations	HD.21.135	03/08/2021
Plan General	Dormer Plan	02/07/2021
Email Received	-	26/08/2021
Email Received	Confirmation that the dormer is to be erected on the rear of the property (southeast slope).	21/09/2021

Report Dated 21/09/2021