

**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/94397/E

Site: 34a, Huddersfield Road, Skelmanthorpe,
Huddersfield, HD8 9AS

Description: Certificate of Proposed lawfulness for erection of
rear dormer

Case Officer: Alice Downham

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 25-Jan-2022

Officer Report

Site Description

34a Huddersfield Road is detached dormer bungalow in Skelmanthorpe, Huddersfield, which occupies a corner plot between Huddersfield Road and Wood Street. It is faced in coursed natural stone, with a dual-pitched roof finished in natural blue slates. The property benefits from a single-storey rear extension. There is a driveway to the side of the property, accessed from Huddersfield Road, leading to hardstanding to the front and a detached garage to the rear. There are lawned gardens to the front, side, and rear.

The applicant's property is located in a residential area. The neighbouring properties are varied in terms of size, age, design, and construction materials. The Skelmanthorpe Conservation Area is to the east.

Description of development

Permission is sought for a Certificate of Lawfulness for the erection of a rear dormer. The proposed dormer would measure approximately 4.2m deep x 6.7m wide x 2.4m maximum height. The dormer would have a mono-pitch roof.

It is noted that the submitted plans also show a first-floor extension to the front; this is the subject of planning application 2021/93308. The certificate of lawfulness is to cover the proposed rear dormer only.

The property has not had its permitted development rights removed.

History of negotiations/amendments received

Amended plans were requested and received from the agent showing a reduction in the size of the proposed dormer to comply with sub-paragraph (d).

Relevant Planning History

At the application site:

2004/91954 - Outline application of detached dwelling and erection of 2 storey and garage extension with room in roof space to existing dwelling. Conditional outline permission.

2004/94748 – Reserved matters application for erection of detached dwelling. Approval of reserved matters.

2011/91995 - Erection of single storey extension to rear. Withdrawn

2011/92596 - Erection of rear extension (modified proposal). Conditional full permission.

2016/91005 - Work to TPO(s) 05/04/t1. Part granted/part refused.

2021/93308 - Erection of first floor front extension. Not yet determined.

At neighbouring properties:

2005/92655 – Erection of two storey extension (within a Conservation Area).
Conditional full permission. (34 Huddersfield Road).

Representations

One representation was received which raised concerns about loss of privacy and loss of view. However, as this is an application for a Lawful Development Certificate, representations are not a material planning consideration and will not be taken into account in the assessment.

Consultation response

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

Issues and Assessments

Applications for Certificates of Lawful Developments for the erection of extensions to dwellings are assessed against the general permission conferred by the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).

Schedule 2, Part 1, Class B of the Order sets out the Permitted Development Rights which relates to the 'enlargement of a dwellinghouse consisting of an addition or alteration to its roof'. In assessing the proposal against this:

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, PA or Q of Part 3 of this Schedule (changes of use);

Comment: The dwellinghouse has not been granted as a dwellinghouse by the above applications.

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 height of the highest part of the existing roof would not be exceeded by the proposed dormer.

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 proposed rear dormer would not extend beyond the plane of any existing roof slope forming the principal elevation of the dwellinghouse and which fronts 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 not exceed the cubic content of the original roof space by more than 50 cubic metres. The original rear dormer would be removed (3.7 cubic metres). The proposed rear dormer is 40.6 cubic metres and the existing roof space on the single-storey rear extension is 13 cubic metres. The resulting roof space is therefore 49.9 cubic metres above the original roof space.*

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;

Comment: *The proposal would not consist of or include any of the above.*

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

Comment: *The dwellinghouse is not on article 2(3) land.*

g) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses); or

h) the existing dwellinghouse has been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys).

Comment: *The dwellinghouse was not built under Part 20 of this Schedule and has not been enlarged in reliance on the permission granted by Class AA.*

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.

Comment: *Approval is granted subject to the above conditions.*

Conclusion:

The proposal for the erection of a rear dormer at 34a Huddersfield Road, Skelmanthorpe, Huddersfield, has been considered against the Town and Country Planning (General Permitted Development - England) Order 2015 (as amended) and is recommended for approval.

Recommendation: **Granted**

The proposed erection of a rear dormer benefits from a general planning permission granted under 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 set out in paragraph B.2 of the same order.

Plans and specifications schedule:

Plan Type	Reference	Web ID	Date Received
Proposed Elevations	496 A04 revC Elevations as Proposed	914194	14/01/2022
Proposed Floor Plans	496 A02 revC Plans as Proposed	914193	14/01/2022
Location Plan	496 A10 Site Location Plan	906178	23/11/2021
Existing Floor Plans	496 A01 Plans as Existing	906177	23/11/2021
Existing Elevations	496 A03 Elevations as Existing	906173	23/11/2021