

**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/94398/E

Site: 11, Squirrel Walk, Dewsbury, WF13 4AQ

Description: Certificate of lawfulness for proposed alterations to
roof and erection of rear dormer extension

Case Officer: Lyle Robinson

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-Dec-2021

Officer Report

Site Description

The application site relates to 11 Squirrel Walk, a semi detached bungalow in the settlement of Dewsbury. The surrounding area is predominantly residential and the site is within a settlement boundary. The site is not within a Conservation Area and there is no Article 4 direction in force.

Description of Proposal

This is an application for a Lawful Development Certificate – Certificate of Lawful Proposed Use/Development (CLOPUD) for a hip to gable roof extension, rear elevation dormer and front rooflight.

History of negotiations/amendments received

This application for Certificate of Lawful Proposed Use/Development has been determined on the basis of the originally submitted plans.

Relevant Planning History

2021/94399 Erection of front dormer and steps *To be determined*

Consultation Responses

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).

Hip to Gable and Dormer Enlargement

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 G, M, MA, 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 proposals.*

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 hip to gable roof conversion and rear dormer extension 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 enlargement of the roof space involves the following:-*

Dormer = $(6.3\text{m} \times 2.4\text{m} \times 4.3\text{m})/2 = 32.5$ cubic metres

Hip to Gable = $(8.8\text{m} \times 4.2\text{m} \times 2.6\text{m})/6 = 16.0$ cubic metres

TOTAL = 48.5 cubic metres

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.*

Roof Light

Permitted development

C. Any other alteration to the roof of a dwellinghouse.

Development not permitted

C.1 Development is not permitted by Class C if—

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P or Q of Part 3 of this Schedule (changes of use);

Comment: *No*

- (b) the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;

Comment: *No*

- (c) it would result in the highest part of the alteration being higher than the highest part of the original roof;

Comment: *No*

- (d) it would consist of or include—

- (i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or

(ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.

Comment: No

(e) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)

Comment: No

Conditions

C.2 Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must be—

(a) obscure-glazed; and

(b) 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.

Conclusion:

The proposal for a hip to gable extension, erection of a rear dormer and insertion of rooflight at 11 Squirrel Walk, Dewsbury, has been considered against the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) and is recommended for approval.

The proposed hip to gable roof extension, erection of a rear dormer and insertion of roof light benefit from a general planning permission granted by virtue of Article 3(1) and Schedule 2, Part 1, Classes B & C 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 & C.2 of the same Order.

Recommendation: **Approve**

Decision Authorisation – Delegated Powers

Application Number: 2021/94398

Officer Recommendation: Approve

The proposed hip to gable roof extension, erection of a rear dormer and insertion of roof light benefit from a general planning permission granted by virtue of Article 3(1) and Schedule 2, Part 1, Classes B & C 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 & C.2 of the same Order.

Plans Specification

Plan Type	Reference	Version	Date Received
Location Plan			23/NOV/2021
Proposed Floor	21.2684.03		23/NOV/2021

Plans and Elevations			
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