

**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.: 2022/CL/91523/W

Site: 34, Foster Avenue, Crosland Moor, Huddersfield,
HD4 5LN

Description: Certificate of lawfulness for proposed rear dormer,
alteration of the existing hipped roof to a gable ended roof, and installation of
front rooflights

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 22-Jul-2022

Officer Report

2022/91523 – 34, Foster Avenue, Crosland Moor, Huddersfield, HD4 5LN

Site Description

No. 34 is a bungalow with accommodation in the roof formed of a front to rear dormer set on the ridge line of a hipped roof. It is a semi-detached dwelling faced with natural stone to front and red brick to side and has two extensions to the rear. The property has a garden to the front and rear and a driveway to the side of the dwelling leading to a detached outbuilding. The property is located on a residential street with other properties of a similar age but a variety of designs and sizes.

Description of development

Permission is sought for a Certificate of lawfulness for proposed rear dormer, alteration of the existing hipped roof to a gable ended roof, and installation of front rooflights.

The proposed extension would extend the existing hipped roof to a gable roof which would share the same roof ridgeline and side elevation as the existing. It would extend 4m from the hip to have a width of 8m and height of 2.7m.

$8\text{m (width)} * 2.6\text{m (height)} * 4\text{m (depth)} / 6 = 13.86 \text{ cubic metres}$

The proposed dormer would be located to the rear of the property. It would project 2.2 metres up, out of the current roof. It would have a depth 3.75 metres and a width of 8.65 metres. The proposed dormer would have a flat roof design at a slight slope of 2.5 degrees. It is set back 0.48m from eaves.

$8.65\text{m (width)} * 2.2\text{m (height)} * 3.75\text{m (depth)} / 2 \text{ with a flat roof form} = 35.68 \text{ cubic metres}$

Cumulative volume is therefore: 49.55 cubic metres. It would be finished in shiplap cladding.

The submitted plans also indicate the installation of three roof lights within the front roofslope.

The property has not had its permitted development rights removed.

History of negotiations/amendments received

No negotiations have taken place and no amended plans have been received.

Relevant Planning History

95/92292 – Proposal: Erection of Conservatory. Decision: Conditional Full Permission.

2022/91513 – Proposal: The proposal is for erection of single storey rear extension. The extension projects 6m beyond the rear wall of the original dwellinghouse. The maximum height of the extension is 4m, the height of the eaves of the extension is 3m. Decision: Refused.

Consultation response

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

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; and

2. Whether Permitted Development rights apply to the property;

If so,

3. 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) and Class C (other alterations to the roof of a dwellinghouse).

The proposal comprises the removal of the existing dormers and the formation of a dormer within the roof plane of the dwelling. Thus, the proposal constitutes the carrying out of building on and over land that would materially affect the external appearance of the existing building. It is therefore regarded as development 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 (additions etc to the roof of a dwellinghouse and Class C (other alterations to the roof of a dwellinghouse).

Dormer and hip to gable enlargement

Development not permitted:

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

a) 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) use the dwellinghouse

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: *No part of the proposed works would exceed the highest part of the existing roof.*

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: *No part of the proposed works would extend beyond the plane of any existing roof slope which forms a principal elevation.*

d) the cubic content of the resulting roof space would exceed the cubic content of the 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 property is a semi-detached house, and the total additional roof space would be 49.55m³.*

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 proposed development does not include any of the above.*

f) the dwellinghouse is on article 2(3) land [f18;or]

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

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

Comment: *Not applicable*

(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: *Not applicable*

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.

Rooflight

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

Comment: Not applicable

(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; or

Comment: No

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

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 proposed hip to gable, dormer extension and rooflights benefit from a general planning permission granted by virtue of Article 3(1) and Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) subject to conditions with paragraphs B.2 & C.2 of the same Order.

Recommendation: Granted.

The proposed hip to gable, dormer extension and rooflight benefit from a general planning permission granted by virtue of Article 3(1) and Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) subject to conditions with paragraphs B.2 & C.2 of the same Order.

NOTE: The proposed dormer extension must accord with condition B.2 of Class B which states in particular:-

(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

This decision is based on the following details(s):-

Plan Type	Reference	Version	Date Received
Plans – Grouped Plans and Elevations	Existing Plans and Elevations. Drawing No. 01. Revision: -.	-	04/05/2022
Plans – Grouped Plans and Elevations	Proposed Plans and Elevations. Drawing No. SK02. Revision: A.	A	18/05/2022
Supp Info – General	Register Plan	-	04/05/2022

Coal No Risk