

**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/91534/E

Site: 66, Grasmere Road, Dewsbury, WF12 7PG

Description: Certificate of lawfulness for proposed hip to gable
loft conversion and 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 28-Jun-2022

Reference:	2022/CLD/91534/E
Applicant: -	A Dearnley
Location: -	66, Grasmere Road, Dewsbury, WF12 7PG
Proposal: -	Certificate of lawfulness for proposed hip to gable loft conversion and rear dormer



Site Description

66 Grasmere Road is a brick built, semi-detached dwelling with a garage attached to the side. The property has gardens and a drive to the front with a larger enclosed garden to the rear.

There are similar dwellings to the front, sides and rear.

Application Proposal

The application is for a certificate of lawful proposed hip to gable enlargement and a rear dormer with two rooflights inserted into the front roof slope. 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.

Hip to gable

$3.5\text{m (width)} * 3\text{m (height)} * 7.2\text{m (depth)} / 6 = 12.6\text{m cubic metres}$

Rear dormers

$5.5\text{m (width)} * 2.3\text{m (height)} * 3.2\text{m (depth)} \text{ with a flat roof form} = 20.24\text{ cubic metres}$

Total roof addition

32.84 cubic metres

Relevant Planning History

None. However, there is a current application for a single storey side and rear extension under 2022/91533

Consultations

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

Policies & Legislation

The Town and Country Planning Act 1990 Section 55 and 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), Classes B (additions etc to the roof of a dwellinghouse) & C (Other alterations to the roof of a dwellinghouse).

The proposal comprises a hip to gable enlargement and rear dormer with front rooflights. 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), Classes B (enlargement, improvement or alterations of a house) and C (Other alterations to the roof of a dwellinghouse).

Hip to Gable and Dormer Enlargement

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 G, M, MA, N, P, PA 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;

The increase in roof space, from the hip to gable enlargement and the rear dormer proposed would be less than 33 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; or **N/A**

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

(g) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses). **N/A**

(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. **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.

Rooflights

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); - 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; - No

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

(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.

No, none of the above.

e) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses) - No

Conclusion

The proposed hip to gable enlargement, rear dormer and rooflights for 66 Grasmere Road 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 respective conditions as set out in paragraphs B.2 & C.2 of the same Order.

Recommendation: GRANT certificate

Decision Authorisation - Delegated Powers**Application Number:** 2022/91534**Officer Recommendation:** Grant certificate

The proposed hip to gable enlargement, rear dormer and rooflights for 66 Grasmere Road 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 respective conditions as set out in paragraphs B.2 & C.2 of the same Order.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Application form	-	930579	04/05/2022
Proposed Plans	-	930578	04/05/2022

Report Dated