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/92023/E

Site: 2, Hollins Avenue, Dewsbury Moor, Dewsbury, WF13 4PS

Description: Certificate of lawfulness for proposed hip to gable extension and rear dormer

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 01-Sep-2022

Officer Report

Site Description

The application site relates to 2 Hollins Avenue, 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 and rear elevation dormer and alterations to replace existing porch.

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

None.

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).

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 volume of the roof space would increase by approximately 48m3 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: *Following revisions to the scheme the window at the first floor side elevation would now not be included in the plans. Compliance is still subject to these conditions.*

Schedule 2, Part 1, Class D of the Order sets out the Permitted Development Rights which relates to the 'enlargement of a dwellinghouse consisting of the erection of a porch outside any external door of a dwellinghouse. In assessing the proposal against this:

Development not permitted

D.1 Development is not permitted by Class D 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 property was not built by virtue of the above Classes*

(b) the ground area (measured externally) of the structure would exceed 3 square metres;

Comment: *No*

(c) any part of the structure would be more than 3 metres above ground level; or

Comment: *No*

(d) *any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway.*

Comment: *No*

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

Comment: *Not applicable*

Conclusion:

The proposal for a hip to gable extension and the erection of a rear dormer and alterations to replace existing porch at 2 Hollins Avenue, Dewsbury, has been considered against the Town and Country Planning (General Permitted

Development - England) Order 2015 (as amended) and is recommended for approval.

Recommendation: Approval

Decision Authorisation – Delegated Powers
Application Number: 2022/92023
Officer Recommendation: Approve
The proposed hip to gable roof extension and erection of a rear dormer and alterations to replace existing porch benefit from a general planning permission granted by virtue of Article 3(1) and Schedule 2, Part 1, Classes B & D 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 Specification

Plan Type	Reference	Version	Date Received
Location Plan			20/JUN/2022
Proposed Floor Plans and Elevations	22/83/A	Rev A	01/SEP/2022