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/92926/W
Site:	104, Crosland Road, Oakes, Huddersfield, HD3 3PL
Description:	Certificate of lawfulness for proposed rear dormer
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 26-Oct-2022

Officer Report

2022/92926 – 104, Crosland Road, Oakes, Huddersfield, HD3 3PL

Site Description

The application site relates to a semi-detached bungalow in Oakes. There is a shed dormer to the front appearing as part of its original design when viewed against the streetscene and similarly built properties. It has amenity spaces fore and rear with a driveway.

The application site is located in a residential area with allotments to rear.

Description of development

Permission is sought for a Certificate of Lawfulness for a proposed rear dormer. The rear dormer would measure approximately 9.15 wide x 2.15m deep x 2.1m maximum height. The dormer would have a flat roof. Cheeks and face would be tile hung to match existing.

History of negotiations/amendments received

None

Relevant Planning History

None

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 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 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 proposed dormer is approximately 20.66 cubic metres. Therefore, the roof space would increase by less than 50 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.*

Conclusion:

The proposal for the erection of a rear dormer at 104, Crosland Road, Oakes, Huddersfield, HD3 3PL, 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 benefit from a general planning permission granted 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 conditions as set out in paragraph B.2 of the same order.

Plans and specifications schedule:

Plan Type	Reference	Date Received
Grouped Plans and Elevations	Plans as Existing & Proposed. Project No. HD3-3292.	02/09/2022

Plan Type	Reference	Date Received
	Sheet 1. Revision: A.	