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/93508/W
Site:	11, Highgate Crescent, Lepton, Huddersfield, HD8 0DP
Description:	Certificate of lawfulness for proposed rear dormer and front porch.
Case Officer**:**	Laura Yeadon
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-2022

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2f93508

Site Description

11 Highgate Crescent is a mid-terraced, two storey dwelling located within an area without notation on the Kirklees Local Plan. The property is constructed from red brick and has a tiled roof.

To the front of the property is an enclosed garden area and to the rear is a private road which runs along the rear elevations of the terraced rows.

The property benefits from full permitted development rights.

Application Proposal

The application is for a certificate of lawful proposed development for the erection of a rear dormer and front porch. The plans also include the insertion of 2 no. rooflights windows.

The onus is on the applicant to provide evidence which states why the proposal fits with the permitted development legislation. In this case, the Agent has stated on the application form that the proposal is permitted development.

A dormer is proposed on the rear (west) elevation, set back from the existing eaves by approximately 0.4m running across the full width of the house at a width of 6.7 metres. The dormer would project 3 metres form the roof ridge and would be a total height of 2.4 metres. No part of the roof extension would exceed the highest part of the existing roof. The total cubic volume increase would be approximately 24 cm3.

The dormer would house 2 no. windows and no details have been submitted in terms of the proposed materials. In order to be permitted development, all exterior materials must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

There is also a porch proposed on the front elevation of the property. The porch would have a footprint of 2.9 square metres and the overall height would be 2.9 metres.

The two roioflights are proposed to be sited within the front roof slope.

Relevant Planning History

None

Consultations

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

Kirkburton Parish Council – no comment

Policies

The site has no policy based constraints in respect of Permitted Development. As such, the application falls to be considered under the relevant legislation as follows:-

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 by 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), Class B (additions etc to the roof of a dwellinghouse), Class C (other alterations to the roof of a dwellinghouse) and Class D (Porches)

The proposal comprises the erection of a rear dormer and front porch. 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,C and D.

Permitted development

Dormer – Class B

B. The certificate of lawful development for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof is permitted development subject to complying with the relevant criteria below.

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 *Permission for this dwelling was not granted by virtue of the above classes*

(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 *As can be seen from the elevations, no part of the dwellinghouse would exceed the height of 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 dwellinghouse would extend beyond the plane of the existing roof slopes visible from the principal elevation. Whilst the dormer would face a road to the rear, the rear elevation is not considered to be 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;

Comment *As a terraced property, the maximum additional roof volume permitted is 40 cubic metres. The proposed additional volume is within this limit.*

(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

Comment *The proposal does not include the provision of a soil and vent pipe.*

(f) the dwellinghouse is on article 2(3) land.

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

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

Comment *the dwellinghouse has not been built under Part 20 of the Schedule*

(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 has not been enlarged via Class AA

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.

Class C – Roof Lights

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 : The property was not constructed pursuant to any above class

(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; 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

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.

Class D - Porches

B. The certificate of lawful development for the erection of construction of a porch outside any external door of a dwellinghouse is permitted development subject to complying with the relevant criteria below.

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 – Permission for this dwellinghouse not granted by any of the above classes

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

Comment – The ground area would not exceed 3 square metres

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

Comment – the height of the structure would not exceed 3 metres

(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 part of the structure would be within 2 metres of the boundary of the dwellinghouse with a highway

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

Comment -the dwellinghouse was not constructed under Part 20 of the Schedule

Conclusion

The proposed enlargement to the roof and the porch has been assessed against the relevant legislation, Town and Country Planning (General Permitted Development)(England) Order 2015(as amended), Schedule 2 Part 1, Classes B and D and it has been deemed permitted development. As a result, it does not require planning permission and the lawful development certificate is therefore approved.

Recommendation: Grant certificate

Decision Authorisation - Delegated Powers

Application Number: 2022/93508

Officer Recommendation: Grant certificate

The proposed rear dormer extension, installation of roof lights and porch as shown on the submitted plans listed in this decision notice benefit from general planning permission granted by virtue of Article 3(1) and Schedule 2, Part 1 (Development within the curtilage of a dwelling house), Classes B, C and D of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) subject to conditions stated in paragraphs B.2 and C.2 of the same Order.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location plan, proposed block plan, existing and proposed elevations and floor plans	2228-01 as amended		10th November 2022

NOTE: Condition B.2 (a) states that the materials used in any exterior work must be of similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

Report Dated: 9th December 2022