

**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.: 2023/CL/91238/W

Site: 39, Hazel Grove, Cowlersley Lane, Linthwaite,
Huddersfield, HD7 5TQ

Description: Certificate of lawfulness for proposed rear dormer

Case Officer: Luke Walstow

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-Jun-2023

Officer Report

Site Description

39 Hazel Grove is a semi-detached dwelling located within the residential area of Linthwaite, Huddersfield. The dwelling is constructed from stone and finished with a white render. The neighbouring dwellings are similar in age, style, and construction materials. The dwelling benefits from off-street parking located to the front of the property, and a rear garden.

Description of development

Permission is sought for a Certificate of Lawfulness for a proposed rear dormer. The rear dormer would measure 3.6m wide x 2.8m deep x 2.2m maximum height. The dormer would have a flat roof and would be faced in tiles to match the existing. The plans also indicate a roof light to be inserted into the front roof slope.

The property has not had its permitted development rights removed.

History of negotiations/amendments received

The proposal was considered acceptable as originally submitted. As such, no amendments were sought or received during consideration of the application.

Relevant Planning History

2021/93959. Erection of single storey rear and side extension and rear dormer extension. *Conditional Full Permission – 16/12/2021*

2022/90460. Change of use of land to domestic garden and erection of shed. *Conditional Full Permission – 19/05/2022.*

Consultation response

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

Assessment

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 fronting 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 11 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 or extended under 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,
 - (ii) 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.

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: 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;

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.

Conclusion:

The proposal for the erection of a rear dormer at 39 Hazel Grove, Cowlersley Lane, Linthwaite, Huddersfield, HD7 5TQ, has been considered against the Town and Country Planning (General Permitted Development - England) Order 2015 (as amended) and is recommended for approval.

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

Recommendation: Granted

Plans and specifications schedule:

Plan Type	Drawing Number	Reference	Date Received
Permitted Development Drawing	04		03 May 2023

Report Dated: 21/06/2023