

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/91427/W

Site: 593, Bradford Road, Fixby, Huddersfield, HD2 2LA

Description: Certificate of lawfulness for proposed internal alterations including installation of two ensuite bathrooms to the first floor and new staircase from first floor to the loft space and the creation of bedroom and ensuite with five no. Velux roof windows

Case Officer: Luke Walstow

**Decision Reference: CERTIFICATE OF LAWFUL OPERATIONS
APPROVED**

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.

John Holmes

AUTHORISED OFFICER

Date 10-Jul-2023

Officer Report

Site Description

The application relates to 593 Bradford Road a detached dwelling located within the residential area of Fixby, Huddersfield. The dwelling is constructed from stone with the top half of the house having a pebble dash render. The roof is constructed from red tiles. The dwelling benefits from two integrated garages, a large, paved area located to the front of the house for the occupants' cars to park and a large rear garden.

Description of Development

A Certificate of Lawfulness for proposed development is sought in relation to the following development:-

- Internal alterations including installation of two ensuite bathrooms to the first floor and new staircase from first floor to the loft space
- Creation of bedroom and ensuite within the roof space including five no rooflights
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It is contended that the proposed internal works are not classed as development under section 55 (2) of the Town and Country Planning Act 1990.

Two roof windows are proposed on the front elevation, two on the rear and 1 on the South-eastern elevation. The South—western window would obscure glazing to conform with condition C.2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

History of negotiations/amendments received

No amendments received or requested during the application process.

Relevant Planning History

No planning history for the site.

Consultee Responses

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 and alterations to dwellings are assessed against the general permission conferred by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) applies. In addition

consideration must be given to whether the proposal constitutes development as set out in the Town and Country Planning Act 1990 (as amended). Schedule 2, Part 1, Class C of the Order sets out the Permitted Development Rights which relates to '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 M, N, P or Q of Part 3 of this Schedule (changes of use).

Comment: *The dwellinghouse has not been granted under the provisions of these specified classes.*

(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: *Windows and rooflights to be installed do not increase any height of the existing roof.*

(c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse.

Comment: *Windows and rooflights to be installed do not extend any part of the existing roof.*

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: *Windows and rooflights to be installed do not extend any part of the existing roof.*

Development permitted by class C subject to following conditions

C.2 Development is permitted by Class C subject to the following conditions—
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 shall 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

Comment: Rooflight on side elevation (South-East) would be obscurely glazed and 1.7 metres above the Floor (confirmed by the applicants planning agent by email dated 10th July 2023).

Conclusion:

The proposal for the installation of rooflights and internal alterations at 593 Bradford Road. Has been considered against the Town and Country Planning (General Permitted Development - England) Order 2015 (as amended) and is recommended for approval.

An informative note is recommended to be included which advised that any windows inserted on the walls or roof are obscure-glazed and no 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.

Recommendation: Granted

The proposed internal alterations fall outside the definition of development as defined by S55(2) of the Town and Country Planning Act 1990 (as amended). The proposed rooflights would benefit from a general planning permission granted by virtue of Article 3(1) and Schedule 2, Part 1, Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) subject to condition C.2 of the same Order.

NOTE: Condition C.2 of Class A requires any upper floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be obscured glazed and non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Plans and Specifications Schedule:

Plan Type	Reference	Date Received
Location Pan		16 May 2023
Existing Plans	JM/01	16 May 2023
Proposed Plans	JM/02A	16 May 2023

Report Dated: 10/07/2023

Coal: Low