

**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/91713/E

Site: 62, North Road, Ravensthorpe, Dewsbury, WF13
3AD

Description: Certificate of lawfulness for proposed gable and
dormer windows to existing dwelling

Case Officer: Jennifer Booth

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 02-Aug-2023

Reference:	2023/CLD/91713/E
Applicant: -	N Majeed
Location: -	62, North Road, Ravensthorpe, Dewsbury, WF13 3AD
Proposal: -	Certificate of lawfulness for proposed hip to gable enlargement and dormer windows to existing dwelling



Site Description

62 North Road is a stone built, end terraced dwelling with an angled footprint and a hipped roof form. The dwelling has a small, paved area to the front with the side elevation onto the pavement and a small yard area to the rear.

The property is located on a residential street with properties of a similar age and style to the front and sides and a school opposite the front elevation.

Application Proposal

The application is for a certificate of lawful proposed development for a hip to gable enlargement and a rear dormer. The onus is on the applicant to provide evidence which states why the proposal fits with the permitted development legislation. In this case, the applicant has stated on the application form that the proposal is permitted development.

The area for the hip to gable is:

$$4.9\text{m} * 9.2\text{m} * 2.2\text{m} / 6 = 16.52$$

The dormer would have a height of 1.8m and a depth of 4m. The width would be 6.4m width of the dwelling and as such would have a cubic volume of less than 23.04 given the chamfered edge..

Total roof enlargement is no more than= 39.56 cubic metres.

Relevant Planning History

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2022/93012 – erection of front and rear dormers with hip to gable enlargement and a single storey rear extension - refused

Consultations

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

Legislation

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 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).

The proposal comprises the alteration of the existing hipped roof to a gable and the formation of a dormer within the rear roof plane. 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), Class B (enlargement, improvement or alterations of a house).

Permitted development

B. The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

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); **N/A**

(b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof; *The proposal does not exceed the existing height of the dwelling.*

(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; *The proposals would not extend beyond the existing roof slope on 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;

The area for the hip to gable is:

$$4.9m * 9.2m * 2.2m / 6 = 16.52$$

The dormer would have a height of 1.8m and a depth of 4m. The width would be 6.4m width of the dwelling and as such would have a cubic volume of less than 23.04.

Total roof enlargement is not larger than 39.56 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; or **N/A**

(f) the dwellinghouse is on article 2(3) land. **N/A**

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

Not applicable

(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).

Not applicable

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.

Interpretation of Class B

B.3 For the purposes of Class B, “resulting roof space” means the roof space as enlarged, taking into account any enlargement to the original roof space, whether permitted by this Class or not.

B.4 For the purposes of paragraph B.2(b)(ii), roof tiles, guttering, fascias, barge boards and other minor roof details overhanging the external wall of the original dwellinghouse are not to be considered part of the enlargement.

Conclusion

The proposed hip to gable enlargement and rear dormer at 62 North Road would constitute permitted development as set out in Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) subject to respective conditions as set out in paragraph B.2 of the same Order.

Recommendation: GRANT certificate

Decision Authorisation - Delegated Powers
Application Number: 2023/91713
Officer Recommendation: GRANT certificate

The proposed hip to gable enlargement and rear dormer at 62 North Road benefits from a general planning permission 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 respective conditions as set out in paragraph B.2 of the same Order.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Application form	-	993612	09/06/2023
Existing & proposed plans	A3L-1	993616	09/06/2023
Existing floor plans	A3L-2	993615	09/06/2023
Proposed floor plans	A3L-3	993614	09/06/2023
Existing & proposed plans	A3L-4	993613	09/06/2023
Existing & proposed plans	A3L-5	993611	09/06/2023

Report Dated 19/06/2023