

**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/92080/E

Site: 31, Ashfield, Thornhill Lees, Dewsbury, WF12 9JW

Description: Certificate of lawfulness for proposed rear dormer

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 05-Sep-2023

Reference:	2023/CLD/92080/E
Applicant: -	Mohammad Ahmad Bhana
Location: -	31, Ashfield, Thornhill Lees, Dewsbury, WF12 9JW
Proposal: -	Certificate of lawfulness for proposed rear dormer



Site Description

31 Ashfield is a brick built, semi-detached dwelling with a drive and lawn to the front and an enclosed garden to the rear.

The property is located on a residential street with properties of a similar age and style.

Application Proposal

The application is for a certificate of lawful proposed development for 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 dormer would have a height of 2.3m and a depth of 3m. The width would be 5.2m.

Total roof enlargement = 17.94 cubic metres

Relevant Planning History

None

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 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 dormer would have a height of 2.3m and a depth of 3m. The width would be 5.2m.

Total roof enlargement = 17.94 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). N/A

(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). N/A

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 rear dormer at 31 Ashfield 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:** 2023/92080**Officer Recommendation:** GRANT certificate

The proposed rear roof enlargement at 31 Ashfield would benefit from a general planning permission by virtue of 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.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Application form	-	998960	12/07/2023
Location plan	SK01	998963	12/07/2023
Existing & proposed plans	S01a	998962	12/07/2023

Report Dated 25/07/2023