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/92168/W
Site:	66, Moorlands Road, Mount, Huddersfield, HD3 3UG
Description:	Certificate of lawfulness for proposed rear dormer extension
Case Officer**:**	Lucy Taylor
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 15-Sep-2023

Officer Report

Site Description

66, Moorlands Road, Mount, Huddersfield, HD3 3UG

66 Moorlands Road is a semi-detached bungalow, with accommodation in the roof. The property is faced in brick, with a tiled roof above. Within the front and rear roof planes, flat roofed dormers are present.

The application site is Unallocated in the Kirklees Local Plan and Permitted Development Rights have not been removed from the property.

Description of Proposal

Permission is sought for a Certificate of Lawfulness for a rear dormer extension.

The rear dormer is to be extended by a length of 2.1 metres. The projection (3.2 metres) and height (2.3 metres) of the extension will be the same as the existing rear dormer.

Proposed dormer extension: 2.3 metres(height) x 3.2 metres(depth) x 2.1 metres (width) = 7.73m^3.

It is important to acknowledge that the Local Authority do not consider the existing rear dormer to be an original feature. As such, the volume of this existing dormer also needs to be taken into consideration in the assessment of this Certificate of Lawful Development. The volume of the existing dormer is 11.59m^3.

The cumulative volume of the rear dormers would therefore be 19.32m^3.

The proposed dormer extension would have a flat roof and, based on the submitted drawing, would be faced in materials that match the design of the existing dormers to 66 Moorlands Road.

Note: The Local Authority conclude that the front dormer at 66 Moorlands Rise is an original feature. This conclusion is a result of the adjoined nature of the front dormer with that to the semi-detached property of 68 Moorlands Road, as well as the design of the dormer which is shared between the properties of No.'s 68, 70 and 72 Moorlands Road, which all appear to have been constructed at the same time.

History of Negotiations/Amendments Received

No negotiations have taken place and no amended plans received.

Relevant Planning History

- 2001/93423 – 66 Moorlands Road – Erection of conservatory. *Granted.*

Consultation Responses

No consultations were required.

Legislation

This application falls to be considered under the relevant legislation as follows:-

The Town and Country Planning Act 1990 Section 55 & 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 dwellinghouse), Class B (additions etc to the roof of a dwellinghouse).

The proposal comprises of a rear dormer extension. 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 additional or alteration to its roof.

Development not permitted:-

(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: *Not applicable.*

(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 proposal does not 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: *The proposal would not extend beyond the existing roof slope on the principle 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:
Rear dormer extension = 7.73m^3.
Cubic volume of existing and rear dormer and proposed dormer extension = 19.32m^3 *on a semi-detached property.*

(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: *Not applicable.*

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

Comment: *Not applicable.*

(g) the dwellinghouse is build under Part 20 of this Schedule (construction of new dwelling)

Comment: *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)

Comment: *Not applicable.*

Conditions

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

(a) the materials used in any external 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 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 extension complies with Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 2015.

Recommendation: Approve

Decision Authorisation – Delegated Powers
Application Number: 2023/92168
Officer Recommendation: Approval

The proposed rear dormer extension 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 conditions as stated in paragraph B.2 of the same Order.

Plans and Specifications Schedule:-

Plan Type	Reference	Version	Date Received
Plans, Elevations and Views as Existing and Proposed	2324 – 01	-	27.7.23

Report Dated: 12.9.23