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/92547/W

Site: 32, Savile Road, Lindley, Huddersfield, HD3 3DQ

Description: Certificate of lawfulness for proposed hip to gable roof extension to create loft conversion with access

Case Officer**:** Molly Storer

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-Oct-2023

Site Description

32 Savile Road is a brick built, semi-detached dwelling with an enclosed drive and garden to the front which wraps around the side of the dwelling to the rear. It also has an attached garage.

The property is located on a residential street with properties of a similar ag, size and style.

Application Proposal

The application is for a certificate of lawful proposed development for a hip to gable roof extension to create loft conversion with access. 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 hip to gable roof extension is proposed on the northwest elevation. The roof extension would align with the original roof and no part of the roof extension would exceed the highest part of the existing roof. The total cubic volume increase would be approximately 22.2 m3.

The extension would have one new roof light to match the existing roof light. An additional roof light is proposed in the front elevation. In order to be permitted development, all exterior materials must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. The plans layout that the extension would have one new roof light to match the existing roof light. Additionally, the new gable roof will be a continuation of the existing roof with the same surface and matching tiles. A side window in proposed in the newly fronted gable.

Relevant Planning History

No relevant planning history

Consultations

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

Law

The site has no policy based constraints in respect of Permitted Development. As such, the application falls to be considered under the relevant legislation as follows:-

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 and the Town and Country Planning (General Permitted Development) Order 2015;

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 a hip to gable roof extension to create loft conversion with access. 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), Classes B.

Permitted development

Hip to gable – Class B

B. The certificate of lawful development for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof is permitted development subject to complying with the relevant criteria below.

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 *Permission for this dwelling was not granted by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use).*

(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 *As can be seen from the elevations, no part of the enlargement would 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 *No part of the enlargement would extend beyond the plane of the existing roof which forms 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;

Comment *As a semi-detached property, the maximum additional roof volume permitted is 50 cubic metres. The roof space of the original dwellinghouse has not been previously extended. The proposed additional volume is within this limit.*

(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

Comment *The proposal includes the provision of a soil and vent pipe. However, Class G of Part 1 would apply to the vent pipe given the location and height.*

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

Comment *The host property is not on article 2(3) land.*

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

Comment *the dwellinghouse has not been built under Part 20 of the Schedule.*

(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 has not been enlarged via Class AA*

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 meters 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 meters above the floor of the room in which the window is installed.

The gable window is shown to be obscurely glazed and the top opening casement is over 1.7m from floor level.

<u>Roof light</u>

Class C – other alterations to the roof of a dwellinghouse

C. Permitted development -Any other alteration to the roof of a dwellinghouse.
C.1 Development not permitted
3B-1024Development 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); **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; - **No**
(c) it would result in the highest part of the alteration being higher than the highest part of the original roof; **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; or **No**
(e) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses). **No**

C.2 Conditions

3B-1025Development 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 proposed enlargement to the roof has been assessed against the relevant legislation, Town and Country Planning (General Permitted Development) (England) Order 2015(as amended), Schedule 2 Part 1, Classes B & C and it has been deemed permitted development. As a result, it does not require planning permission and the lawful development certificate is therefore approved.

Recommendation: Grant certificate

Decision Authorisation - Delegated Powers

Application Number: 2023/92547

Officer Recommendation: Grant certificate

The proposed hip to gable roof extension to create loft conversion and installation of roof light as shown on the submitted plans listed in this decision notice benefits from general planning permission granted by virtue of Article 3(1) and Classes B & C of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) subject to respective conditions as stated in paragraphs B.2 & C.2 of the same Order.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Application Form		-	13/09/2023
Proposed plans and elevations	22032D-02-P06	-	01/09/2023
Existing plans and elevations	22032D-01-P01	-	25/08/2023
Block plan	22032-03-P01	-	25/08/2023
Verification statement	22032D-02-P05	-	25/08/2023

NOTE: Condition B.2 (a) states that the materials used in any exterior work must be of similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

Report Dated: 29/09/2023