

**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/92697/W

Site: Midgebottom House, Sheffield Road, New Mill,  
Holmfirth, HD9 7HA

Description: Certificate of lawfulness for proposed internal and  
external alterations

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 02-Nov-2023**

## **Site Description**

The application relates to Midgebottom House, a dwelling within the area of Holmfirth. The structure is a large, detached brick-built building which lies on Sheffield Road. The site features front and rear gardens.

## **Description of Proposal**

Permission is sought for a Certificate of Lawfulness for proposed internal and external alterations to Midgebottom House.

The proposed minor alterations would include:

- Internal alterations to the top floor including changing loft space 1 into a master bedroom and walk in wardrobe area.
- Changing loft space 2 area into a landing area and en-suite bathroom.
- External alterations include solar panels on the rear roof of the west facing elevation.
- Roof lights are also proposed on the west facing rear elevation.
- Two roof lights are proposed on the front, east facing elevation.

## **History of negotiations/amendments received**

No negotiations have taken place and no amended plans required.

## **Relevant Planning**

### **History**

Planning Ref 2003/94590 – On the 24<sup>th</sup> of December 2003 a full application for the erection of one dwelling was refused due to the site lying within a green belt area and due to lack of internal turning leading to vehicles reversing into Sheffield Road (A616). This application related to the southern part of the site.

## **Consultee Response**

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

## **Issues and Assessment**

Applications for Certificates of Lawful Developments for the alteration of a dwellinghouse are assessed against the general permission conferred by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

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)

#### *Internal works*

The internal works to convert rooms / loft to habitable space would not constitute development by virtue of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 as those works do not materially alter the external appearance of the building.

#### *External works*

The roof lights and solar panels can be clearly be seen and do materially affect the external appearance of the building. These works are considered to constitute development for the purposes of section 55.

#### *Installation of Roof Lights*

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 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);

**Comment** *The dwellinghouse has not been granted as a dwellinghouse by the above applications.*

(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** *The rooflights would not protrude more than 0.15 meters beyond the plane of the slope of the original roof.*

(c) it would result in the highest part of the alteration being higher than the highest part of the original roof; or

**Comment** *The highest part of the alteration would not be higher than the highest part of the original 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: or

**Comment** *Solar panels are proposed, see later in report.*

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

**Comment** *Not applicable to this application*

#### 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 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.

**Comment** *Not applicable as alterations are to the front and rear.*

#### *Installation of Solar Panels*

Schedule 2, Part 14, Class A of the Order sets out the Permitted Development Rights which relates to 'installation or alteration etc of solar equipment on domestic premises'. In assessing the proposal against this:

#### ***Development not permitted***

*A.1 Development is not permitted by Class A if—*

*The solar PV or solar thermal equipment would protrude more than 0.2 metres beyond the plane of the wall or the roof slope when measured*

*from the perpendicular with the external surface of the wall or roof slope.*

***Comment:*** *The proposed solar panels would not protrude more than 0.2 metres beyond the plane of the wall or roof slope.*

(b) It would result in the highest part of the solar PV or solar thermal equipment being higher than the highest part of the roof (excluding any chimney);

***Comment:*** *The solar panels proposed would not be above the highest point of the roof of the existing dwelling.*

(c) in the case of land within a conservation area or which is a World Heritage Site, the solar PV or solar thermal equipment would be installed on a wall which fronts a highway

***Comment:*** *The site is not located within land listed above.*

(d) the solar PV or solar thermal equipment would be installed on a site designated as a scheduled monument; or

***Comment:*** *The site is not designated as a scheduled monument.*

(e) the solar PV or solar thermal equipment would be installed on a building within the curtilage of the dwellinghouse or block of flats if the dwellinghouse or block of flats is a listed building.

***Comment:*** *The building in which the solar panels would be installed is not a registered listed building.*

### ***Development permitted by class A subject to following conditions***

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

*Development is permitted by Class A subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse shall be –*

- a) solar PV or solar thermal equipment is, so far as practicable, sited so as to minimise its effect on the external appearance of the building;*
- a) solar PV or solar thermal equipment is, so far as practicable, sited so as to minimise its effect on the amenity of the area; and*
- b) solar PV or solar thermal equipment is removed as soon as reasonably practicable when no longer needed.*

**Comment:** The building the solar panels are proposed for is located back from the highway and would not impact the amenity of the local area. The solar panels are to be placed only on one roof slope, therefore not dominating the overall roof of the building.

**Conclusion:**

The proposal for the installation of solar panels at Midgebottom House, Holmfirth has been considered against the Town and Country Planning (General Permitted Development - England) Order 2015 (as amended) and is recommended for approval, subject to the condition that any solar PV or solar thermal equipment is removed as soon as reasonably practicable when no longer needed.

The internal works to convert rooms / loft to habitable space would not constitute development. The proposal has been considered against the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and is recommended for approval.

The proposed solar panels and roof lights benefit from a general planning permission granted by virtue of Article 3(1) and Schedule 2, Part 1, Class A and Part 14, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) subject to respective conditions stated in paragraph A.3 of Part 1 and paragraph A.2 of Part 14 of the same Order.

**Decision Notice :-**

The internal works to convert rooms / loft to habitable space would not constitute development by virtue of section 55(2)(a)(ii) of the Town and Country Planning Act 1990

The proposed solar panels and roof lights benefit from a general planning permission granted by virtue of Article 3(1) and Schedule 2, Part 1, Class A and Part 14, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) subject to respective conditions stated in paragraph A.3 of Part 1 and paragraph A.2 of Part 14 of the same Order.

**Plans and Specifications Schedule:-**

| Plan Type                                                 | Reference | Version | Date Received |
|-----------------------------------------------------------|-----------|---------|---------------|
| Application form                                          | -         | -       | 12/09/2023    |
| Grouped plans-<br>Existing elevations<br>and sections     | 102RevC   | -       | 18/09/2023    |
| Grouped plans-<br>location plan, floor<br>plan, site plan | 101RevD   | -       | 18/09/2023    |

|                                                |         |   |            |
|------------------------------------------------|---------|---|------------|
| Grouped plans-proposed floor and roof plan     | 201RevC |   | 18/09/2023 |
| Grouped plans-proposed elevations and sections | 202RevC | - | 18/09/2023 |
| Location plan                                  | -       | - | 12/09/2023 |

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The Case Officer did not enter into negotiations or request amended plans for the proposed development as it was considered that the application was considered acceptable in its submitted form.

**Dated:** 26/10/2023