

**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/92792/E

Site: 19, Bilham Road, Clayton West, Huddersfield, HD8
9PA

Description: Certificate of lawfulness for proposed installation of
solar PV panels on south facing roof, replacement windows and enlargement
of rooflight on north facing roof

Case Officer: Morgan Braithwaite

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 11-Dec-2023

Site Description

19, Bilham Road, Clayton West, Huddersfield, HD8 9PA is a two-storey terraced dwelling.

The dwelling is constructed from stone.

The dwellings that form the street scene are not uniform in appearance or scale. However, the area is predominantly residential and constructed of a similar material palette.

Application Proposal

The application is for a certificate of lawful proposed development for the erection of 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 proposal is for the installation of solar PV panels on south facing roof, the replacement of windows and the enlargement of a rooflight on the north facing roof. The applicant states the replacement windows would consist of a design omitting the glazing bars (taken to be the faux leading) but otherwise identical to the existing windows.

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.

Holme Valley Parish Council – support the application

Policies

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; 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)(England) Order 2015(as amended);
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 C (additions etc to the roof of a dwellinghouse) and Schedule 2, Part 14, Class A (Installation or alteration of solar equipment on domestic premises).

The proposal comprises of the installation of solar PV panels on the south facing roof, replacement windows and enlargement of existing rooflight on north facing roof. Thus, the proposal does not constitute the carrying out of building on and over land that would materially affect the external appearance of the existing building.

1. 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 A & C and Class A of Part 14 (Installation or alteration of solar equipment on domestic premises).

Permitted development

Development not permitted

A.1 Development is not permitted by Class A 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) as a result of the works, the total area of ground covered by building within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse

Comment *as can be seen from the elevations; no additional ground would be covered as the proposal is to replace the windows of the property*

- (c) the height of the dwellinghouse enlarged, improved, or altered would exceed the height of the highest part of the roof of the existing dwellinghouse

Comment *as can be seen from the elevations; the proposal is for the replacement of windows. Therefore, no part of the dwellinghouse enlarged, improved, or altered would exceed the height of the highest part of the roof of the existing dwellinghouse.*

- (d) the height of the eaves of the part of the dwellinghouse enlarged, improved, or altered would exceed the height of the eaves of the existing dwellinghouse.

Comment *as can be seen from the elevations; the proposal is for the replacement of windows. Therefore, no part of the dwellinghouse enlarged, improved, or altered would exceed the height of the eaves of the existing dwellinghouse.*

- (e) the enlarged part of the dwellinghouse would extend beyond a wall which-
- (i) forms the principal elevation of the original dwellinghouse; or
 - (ii) fronts a highway and forms a side elevation of the original dwellinghouse

Comment as can be seen from the elevations; the proposal is for the replacement of windows. Therefore, no part of the dwellinghouse would extend beyond a wall which forms the principal elevation of the original dwellinghouse, front a highway or forms a side elevation of the original dwellinghouse.

- (f) the enlarged part of the dwellinghouse would have a single storey and –
- (i) extend beyond the rear wall of the original dwellinghouse by more than 4 meters in the case of a detached dwellinghouse, or 3 metres in the case of any other dwelling house, or
 - (ii) exceed 4 metres in height

Comment there is no proposed enlargement to the existing dwellinghouse

- (g) for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and –
- (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or
 - (ii) exceed 4 metres in height

Comment There is no proposed enlargement to the existing dwellinghouse

- (h) the enlarged part of the dwellinghouse would have more than a single storey and –
- (i) extend beyond the rear wall of the original dwellinghouse by more than 3 meters, or
 - (ii) be within 7 meters of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse

Comment There is no proposed enlargement to the existing dwellinghouse

- (i) the enlarged part of the dwellinghouse would be within 2 meters if the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 meters

Comment There is no proposed enlargement to the existing dwelling

- (j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse and would
- (i) exceed 4 meters in height
 - (ii) have more than a single storey, or
 - (iii) have a width greater than half the width of the dwellinghouse

Comment There is no proposed enlargement to the existing dwellinghouse

- (ja) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in subparagraphs € to (j)

Comment There is no proposed enlargement to the dwellinghouse

- (k) it would consist of or include
- (i) the construction or provision of a veranda, balcony or raised platform
 - (ii) the installation, alteration, or replacement of a microwave antenna
 - (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
 - (iv) any alteration to any part of the roof of the dwellinghouse

Comment the proposal does not include the construction or provision of a veranda, balcony, raised platform, microwave antenna, chimney, flue or soil and vent pipe.

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if –

- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles
- (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse;
- (c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse; or
- (ca) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in subparagraphs (b) and (c)

Comment The alterations are not on article 2(3) land.

Conditions

A.3 Development is permitted by Class A subject to the following conditions –

- (a) the materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwelling
- (b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall 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.
- (c) where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse

Other alterations to the roof – Installation of rooflight

The certificate of lawful development for other alterations to the roof of a dwellinghouse. Such alterations will not involve any enlargement of the house, but would, for example, cover the installation of roof lights/windows.

Under Class C the following limits and conditions apply:

C.1 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 *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) 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 rooflight would not protrude more than 0.15 metres beyond the roof slope.*
- (c) it would result in the highest part of the alteration being higher than the highest part of the original
Comment: No
- (d) it would consist of or include-
 - (i) the installation, alteration or replacement of a chimney, flue, or soil and vent pipe
 - (ii) the installation, alteration, or replacement of solar photovoltaics or solar thermal equipment*Comment* *there would be no alteration to the height of the roof, or the installation of anything which would exceed the highest point of the existing roof. There is no proposed installation, alteration, or replacement of a chimney, flue, or soil and vent pipe. There would however be the installation of Photovoltaic panels which is assessed below.*

Conditions

C.2 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 shall be-

(a) obscure-glazed; and

(b) non-opening unless that 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.

Installation of Solar PV Equipment

The installation of the Solar PV equipment shall be assessed under Part 14 Renewable Energy, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015.

Permitted development

A. The installation, alteration or replacement of microgeneration solar PV or solar thermal equipment on –

(a) a dwellinghouse or a block of flats; or

(b) a building situated within the curtilage of a dwellinghouse or a block of flats
Comment: the installation, alteration or replacement of microgeneration solar PV or solar thermal equipment would be to the roof of a dwellinghouse.

Development not permitted

A.1 Development is not permitted by Class A if –

(a) 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 imagery submitted by the applicant indicates the rooflights would not protrude more than 0.2 metres beyond the 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 PV or solar thermal equipment would not be higher than the highest part of the roof.

(c) in the case of land within a conservation area or which is a World Heritage Site, the solar PV and solar thermal equipment would be installed on a wall which fronts a highway
Comment: the land is not within a conservation area of a World Heritage Site

(d) the solar PV or solar thermal equipment would be installed on a site designated as a scheduled monument; or
Comment: the solar PV or solar thermal equipment would not be installed on a site 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 solar PV or solar thermal equipment would not be installed on a building within the curtilage of a dwellinghouse which is a listed building.

Conditions

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

(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;

(b) solar PV or solar thermal equipment is, so far as is reasonably practicable, sited so as to minimise its effect on the amenity of the area; and

(c) solar PV or solar thermal equipment is removed as soon as reasonably practicable when no longer needed

Conclusion

The proposed installation of solar PV panels, replacement windows and the enlargement of an existing rooflight have been assessed against the relevant legislation, Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2 Part 14, Class A and Schedule 2 Part 1 Classes A and C.

As a result, it does not require planning permission and the lawful development certificate is therefore approved.

Recommendation: Grant permission

Decision Authorisation - Delegated Powers

Application Number: 2023/92792

Officer Recommendation: Grant permission

The proposed replacement of windows and rooflight benefit from a general planning permission granted by virtue of Article 3(1) and Schedule 2, Part 1 (Development within the curtilage of a dwellinghouse), Classes A & C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) subject to conditions stated in paragraphs A.3 and C.2 of Part 1 of the same Order.

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

Plans and specifications schedule:

Plan Type	Reference	Date Received
Proposed Elevations - North	1009970	29.09.2023
Proposed Elevations – South	1009969	29.09.2023
Location Plan	1009968	29.09.2023

NOTE: With regard to the replacement windows, Condition A.3 (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: 8.12.2023