

**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/93005/E

Site: 56, Commercial Road, Skelmanthorpe,  
Huddersfield, HD8 9DA

Description: Certificate of Lawfulness for proposed loft  
conversion with rooflights to front and rear (within a Conservation Area)

Case Officer: Edward Cheseldine

**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 16-Jan-2024**

## **Officer Report**

2023/93005 - 56, Commercial Road, Skelmanthorpe, Huddersfield, HD8 9DA

### **Site Description**

56 Commercial Road is a two-storey, end-terrace property in Skelmanthorpe. The property rests within the Skelmanthorpe conservation area.

### **Application Proposal**

The application is for a certificate of lawful proposed development for the installation of 3 rooflights, two on the roof plane facing Commercial Street and one to the south roof slope. 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.

### **Relevant Planning History**

2008/90626 – Change of use from existing dwelling to ground floor shop with apartment on first-floor – Full permission granted.

### **Consultations**

Conservation & Design – There are no Article 4 directions that cover this property.

### **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**

#### **Principle of Development**

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

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 (other alterations to the roof of a dwellinghouse).

The proposal consists of the installation of 3 rooflights within a conservation area. 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 C (other alterations to the roof of a dwellinghouse).

### **Permitted development – other alterations to the roof of a dwellinghouse**

- **C.** *Any other alteration to the roof of a dwellinghouse*

### **Development no permitted**

- **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)

*Permission was granted for a change of use from residential to a shop on the ground floor. From street level photography it can be seen that the conversion was not implemented, and the building remained as a residential dwelling, thus the building has not benefited from a change of use by virtue of Class G, M, MA, N, P, PA or Q.*

- (a) 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;

*From the submitted plans it can be seen that there will be no development beyond the existing roof planes.*

- (b) it would result in the highest part of the alteration being higher than the highest part of the original roof

*The application constitutes rooflights that fit within the existing roof plane.*

- (c) 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.

N/A

- (d) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)

N/A

## **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 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.

*The arrangement of the dwellinghouse with the main entrance and windows facing Smithy Lane would suggest the east elevation is the recognised front of the dwellinghouse. Consequently the proposed rooflights would be sited on side elevations. It is therefore considered prudent to re-iterate the condition on the decision notice.*

## **Conclusion**

The proposed rooflights at 56 Commercial Road meets the criteria of permitted development as set out in Schedule 2, Part 1, Class C of the Town and Country Planning (General Permitted Development) Order 2015 subject to respective conditions as set out in paragraph C.2 of the same Order.

**Recommendation: Approve Certificate**

## Decision Authorisation - Delegated Powers

Application Number: 2023/93005

**Officer Recommendation:** Grant Certificate

The proposed rooflights at 56 Commercial Road benefits from a general planning permission by virtue of Article 3(1) and Schedule 2, Part 1, Class C of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) subject to respective conditions as set out in paragraph C.2 of the same Order.

**NOTE :** Condition C.2 states:-

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.

### Plans and specifications schedule: -

| Plan Type                                 | Reference | Version | Date Received |
|---|-----------|---------|---------------|
| Location plan                             | 001       | 1       | 10/10/2023    |
| Existing and proposed site plans          | 002       | 1       | 10/10/2023    |
| Existing first floor and loft floor plans | 003       | 1       | 10/10/2023    |
| Proposed first floor and loft floor plans | 004       | 1       | 10/10/2023    |
| Existing and proposed elevations          | 005       | 1       | 10/10/2023    |

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. No amendments were sought.

