

**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/93435/W

Site: 284, Coppice Drive, Netherton, Huddersfield, HD4
7WR

Description: Certificate of lawfulness for proposed erection of
rear dormer and loft conversion

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.**

West Team

AUTHORISED OFFICER

Date 23-Jan-2024

Site Description

The application site related to 284 Coppice Drive a two storey terrace property within the area of Netherton. The property hosts an attached garage to the site and garden amenity space to the rear. The dwelling is constructed from stonework and white rimmed Upvc windows.

It is located within a residential area where the surrounding development is of a similar age and style.

Application Proposal

The application is for a certificate of lawful proposed development for the erection of a rear dormer and loft conversion. 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.

A dormer is proposed on the rear (south) elevation, set back from the existing eaves by approximately 0.46m running across the majority of the width of the house at a width of 5 metres. The dormer would project 3 metres from the roof ridge and would be a total height of 2.55 metres. No part of the roof extension would exceed the highest part of the existing roof. The total cubic volume increase would be approximately 19m³.

The dormer and loft conversion with associated alterations would create four windows. Two of these are proposed in the dormer itself within the south elevation which will be two full height and fully glazed windows. One will be within the original dwellinghouse on the west (side) elevation and will be frosted glazed. The last window is a roof light in the existing dwelling house within the roof slope on the north 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 show that the dormer will be constructed from a dark grey cladding to harmonise with the existing roof tiles.

Relevant Planning History

2000/90329 – Erection of 45 dwellings with associated integral or detached garages – Full permission.

2010/90946 – Erection of attached garage – Full permission.

2020/91349 – Certificate of lawfulness for proposed erection of single storey rear extension – Refused.

2020/92461 – Erection of single storey rear extension – Full permission.

Consultations

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

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) 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 A (alterations, improvement and enlargement of a dwellinghouse), Class B (additions etc to the roof of a dwellinghouse) & Class C (other alterations to the roof of a dwellinghouse).

The proposal comprises the erection of a rear dormer and loft conversion including the insertion of a rooflight to the north elevation. 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 A, B & C.

Permitted development

Gable window

The gable window in the west elevation is considered to be an alteration to the dwellinghouse whereby Class A of Part 1 would be relevant. However, it is not considered an enlargement and as such only sub-paragraphs (a), (b), (c), (d), (k) and (l) are considered relevant. However, the window does not exceed any limitations within these paragraphs as the height of the dwellinghouse or eaves are not exceeded, the ground area is not increased and the dwellinghouse was not built under the provisions of Part 3 or 20 of Schedule 2. None of the works as described in sub-paragraph (k) consist in the insertion of the window.

The window will be required to be non-opening and obscurely glazed by reason of condition A.3(b).

Dormer – 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 P, 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 dwellinghouse 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 dwellinghouse would extend beyond the plane of the existing roof slopes visible from 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 terraced property, the maximum additional roof volume permitted is 40 cubic metres. 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 plans do not show these aspects included in the development.*
- (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;
Comment *the dormer will be constructed from a dark grey cladding to harmonise with the existing roof tiles.*
- (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 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and
Comment *The eaves of the original roof will be maintained, and the edge of the enlargement will not be less than 0.2 meters from the eaves.*

(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

Comment No part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse.

(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.

Comment The window in the side elevation will be glazed and non-opening.

Rooflight

C. Permitted development

Any other alteration to the roof of a dwellinghouse.

C.1 Development not permitted

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: 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;

Comment: no

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

Comment: 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

Comment: no

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

Comment: no

C.2 Conditions

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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.

Conclusion

The proposed enlargement to the roof, window and rooflight has been assessed against the relevant legislation, Town and Country Planning (General Permitted Development)(England) Order 2015(as amended), Schedule 2 Part 1, Classes A, 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: 2023/93435

Officer Recommendation: Grant certificate

The proposed rear dormer extension, second floor window and rooflight within the front roof slope as shown on the submitted plans listed in this decision notice benefits from general planning permission granted by virtue of Article 3(1) and Schedule 2, Part 1 (Development within the curtilage of a dwelling house), Classes A, B & C of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) subject to respective conditions stated in paragraphs A.3, B.2 & C.2 of the same Order.

NOTE: With regard to the proposed west gable window, the window is required to comply with condition A.3(b) which states:-

(b) any upper-floor window located in 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;

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Application form	-	-	24/11/2023
Existing grouped plans and elevations	23101-0101-P01	-	24/11/2023
Proposed grouped plans and elevations	23101-0301-P02	-	09/01/2024
Photograph of materials	Email	1	22/01/2024

Report Dated: 22/01/2024