

**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.: 2024/CL/90158/W

Site: 28, Deer Croft Crescent, Salendine Nook,
Huddersfield, HD3 3SG

Description: Certificate of lawfulness for proposed hip to gable
extension

Case Officer: Charlotte Dixon

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 18-Mar-2024

Officer Report

Site Description

28, Deer Croft Crescent is a semi-detached dwelling comprised of 3 different types of material which include stone, red brick and pebble dash. The property has a patio area to the front which is attached to a driveway. It also has an attached garage.

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

Description of Proposal

The application is for a certificate of lawful proposed development for a hip to gable extension. 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 7.2 m³.

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. Additionally, the new gable roof will be a continuation of the existing roof with the same surface and matching tiles. A side window is proposed in the newly fronted gable.

History of negotiations/amendments received

No negotiations have taken place and no amended plans received.

Relevant Planning History

No relevant planning history.

Consultation Responses

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

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. 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 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;

Comment The proposal does not include any of the above.

(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)

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 proposed materials used in the exterior work are 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 metres 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

Comment: the proposal is for a hip-to-gable enlargement.

(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.

eComment: The gable window will be obscurely glazed, as confirmed in an email dated 29th February 2024. The top opening casement is 1.7m from floor level.

Conclusion

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 hip to gable extension benefits from a general planning permission granted by virtue of Article 3(1) and Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) subject to conditions within paragraph B.2 of the same Order.

Recommendation: Approve certificate

Decision Authorisation - Delegated Powers

Application Number: 2024/90158

Officer Recommendation: Approve certificate

The proposed hip to gable roof extension as shown on the submitted plans listed in this decision notice benefits from general planning permission granted by virtue of Article 3(1) and Class B 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 of the same Order.

NOTE : Of particular note and wit regard to the proposed side window, Class B, Condition B.2(c) states:-

- (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.*

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Proposed plans and elevations	28DCC/P02	-	24/01/2024
Existing plans and elevations and location plan	28DCC/P01	-	24/01/2024
Proposed sections	28DCC/P03	-	24/01/2024
Email from agent dated 29 th February 2024 confirming the side window shown will be obscured glazed	Email 29/02/2024	-	29/02/2024

Report Dated: 29/02/2024