# 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/90765/W

Site: 97, Sheepridge Road, Sheepridge, Huddersfield, HD2 1HF

Description: Certificate of lawfulness for proposed dormer extension and associated alterations

Case Officer**:** Sharoz Ilyas

**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 25-Jun-2024**

| | |
|---|---|
| **Reference:** | 2024/90765 |
| **Applicant: -** | Mr Kelvin Jaffer |
| **Location: -** | 97 Sheepridge Road, Sheepridge, Huddersfield, HD2 1HF |
| **Proposal: -** | Certificate of lawfulness for proposed dormer extension and associated alterations |

**Site Description**

97 Sheepridge Road is an end of terrace two-storey dwelling with a relatively large front garden and en rear garden. the dwelling was constructed using brick with a rendered finish on the principal elevation and a dual-pitched roof with brown clay tiles.

There are various styles and types of dwellings along Sheepridge Road. The road is mixed with residential and commercial however predominantly residential.

**Application Proposal**

The application is for a certificate of lawfulness for proposed dormer extension and associated alterations. 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 below 40 cubic metres.

A dormer is proposed on the rear (North) elevation, shown to be set back from the existing eaves and joined to the existing roof of the two-storey rear extension.

The dormer would house two windows facing the rear. In order to be permitted development, all exterior materials must be of a similar appearance to those used in the construction of the existing dwellinghouse.

**Relevant Planning History**

2021/62/92096/W - Erection of single storey front extension and two storey rear extension with accommodation in the roofspace, demolition of existing single storey rear extension and associated alterations. Granted.

**Consultation**

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 and 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 B.

The proposal comprises the erection of a rear dormer. 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 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 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:*** *No part of the dormer 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 dormer would extend beyond the plane of the existing roof slope 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 meters in the case of a terrace house, or
(ii)50 cubic meters in any other case.

***Comment:*** *As a terraced property, the maximum additional roof volume permitted is 40 cubic metres. Taking into account the roof space created bar the original roof, the cubic content of the dormer including the roof of the rear two-storey extension, it would not exceed 40 cubic metres.*

**(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 proposal does not consist of include the provision of a soil and vent pipe, verandah, balcony, raised platform or the alteration or replacement of a chimney, flue or soil and vent pipe.*

**(f)** the dwellinghouse is on article 2(3) land.

***Comment:*** *The dwellinghouse 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 this 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.
**(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 meters 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

**(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.

**Conclusion**

The proposed enlargement to the roof has been assessed against the relevant legislation, Town and Country Planning (General Permitted Development) (England) Order 2015(as amended), Schedule 2 Part 1, Class B. Considering the information and drawings provided, the erection of the proposed rear dormer would be permitted development under this class.

**Recommendation: Grant certificate**
**Decision Authorisation - Delegated Powers**
**Application Number**: 2024/90765

**Officer Recommendation**: Approve certificate

The proposed rear dormer extension as shown on the submitted plans listed in this decision notice does benefit from general planning permission granted by virtue of Article 3(1) and Schedule 2, Part 1 (Development within the curtilage of a dwelling house), Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) subject to respective conditions stated in paragraph B.2 of the same Order.

Plans and specifications schedule:

| Plan Type | Reference | Date Received |
|---|---|---|
| Location plan and Proposed floor plans | 1033553 | 13/03/2024 |
| Existing floor plans | 1033554 | 13/03/2024 |
| Existing elevations | 1033556 | 13/03/2024 |
| Proposed elevations | 1033555 | 13/03/2024 |

**Report Dated:** 20.06.2024