Application Number	
Date Logged	
Receipt No	Fee Received
Card	Other
KIRKLEES COUNCIL VALIDATION CHECKLIST	SUPPLY 1 COPY ONLY

Planning - PO Box 1720, Huddersfield, HD1 9EL
E-mail: planning.portal@kirklees.gov.uk **Tel:** 01484 414746

Application for a Lawful Development Certificate for a Proposed Use or Development

Town and Country Planning Act 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number: 541

Suffix:

Property Name:

Address Line 1: New Hey Road

Address Line 2: Mount

Address Line 3: Kirklees

Town/city: Huddersfield

Postcode: HD3 3XN

Description of site location must be completed if postcode is not known:

Easting (x): 409614

Northing (y): 418006

Description:

Applicant Details

Name/Company

Title

First name

Kathryn

Surname

O'Sullivan

Company Name

Address

Address line 1

541 New Hey Road

Address line 2

Mount

Address line 3

Town/City

Huddersfield

County

Country

United Kingdom

Postcode

HD3 3XN

Are you an agent acting on behalf of the applicant?

- ○ Yes
- ◉ No

Contact Details

Primary number

***** REDACTED ******

Secondary number

Fax number

Email address

***** REDACTED ******

Description of Proposal

Does the proposal consist of, or include, the carrying out of building or other operations?

- (x) Yes
- ( ) No

If Yes, please give detailed description of all such operations (includes the need to describe any proposal to alter or create a new access, layout any new street, construct any associated hard-standings, means of enclosure or means of draining the land/buildings) and indicate on your plans (in the case of a proposed building the plan should indicate the precise siting and exact dimensions)

The proposed Dorma window does not include any need to create a new access, layout, street, hard standing, means of enclosure or drainage.
Replace Velux window on roof with Dorma window. Timber construction, covered in breathable felt, sides clad in OSB, then grey UPVC shiplap, UPVC window to the front double glazed. Insulated with 100mm Kingspan. Slates are grey art stones to match original roof. Valleys code 3 lead. Gutters on both sides of the pitch roof.
Pitch of Dorma roof is 30 degrees matching existing roof. The ridge of the Dorma will be below the existing ridge. The width of the Dorma will be less than half of the width of the roof. Roof width is 4.6 metres and Dorma will be 2.2 metres or less (exact Dorma width depends on the position of the existing rafters). The rafters under the cheeks will be doubled up. All timber to be C24.

Does the proposal consist of, or include, a change of use of the land or building(s)?

- ( ) Yes
- (x) No

Has the proposal been started?

- ( ) Yes
- (x) No

Grounds for Application

Information about the existing use(s)

Please explain why you consider the existing or last use of the land is lawful, or why you consider that any existing buildings, which it is proposed to alter or extend are lawful

This proposes is to replace an existing ‘Velux’ rooflight with a dormer window in a loft space of a dwelling house owned by the applicant.

My property is single aspect (back-to-back) and the formation of a dormer would be in the principal elevation by default. This is because it is the only elevation. Permitted development rights for loft conversion, as set out on the Planning Portal, include a limitation for the formation of roof extensions in the principal elevation of the property. https://www.planningportal.co.uk/permission/common-projects/loft-conversion/planning-permission

However, this is also qualified stating that works would not be ‘permitted development’ where “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”; In the case of my property, this does not front a highway and overlooks gardens and a quarry. The proposed Dorma would not be seen from any public roads or paths and neighbours would be unable to see it from their gardens or windows.

It therefore should meet the criteria for permitted development and the plan takes into account all other relevant Sections of The Town and Country Planning (General Permitted Development) (England) Order 2015, such as using materials in keeping and size being less than half the width of the roof etc; as detailed in the plans and attachments.

Please list the supporting documentary evidence (such as a planning permission) which accompanies this application

Attached documentary evidence site plans and map from deeds, block plan, side and front view of the proposed Dorma window, plan view of the roof and Dorma, construction drawing with materials and specifications.

Select the use class that relates to the existing or last use.

C3 - Dwellinghouses

Information about the proposed use(s)

Select the use class that relates to the proposed use.

C3 - Dwellinghouses

Is the proposed operation or use

- (✓) Permanent
- ( ) Temporary

Why do you consider that a Lawful Development Certificate should be granted for this proposal?

This proposes to replace an existing ‘Velux’ rooflight with a dormer window in a loft space.

My property is single aspect (back-to-back) and the formation of a dormer would be in the principal elevation by default. This is because it is the only elevation. Permitted development rights for loft conversion, as set out on the Planning Portal, include a limitation for the formation of roof extensions in the principal elevation of the property. https://www.planningportal.co.uk/permission/common-projects/loft-conversion/planning-permission. However, this is also qualified stating that works would not be ‘permitted development’ where “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”; In the case of my property, this does not front a highway and overlooks gardens and a quarry and no other houses. The proposed Dorma would not be seen from any public roads or paths and neighbours would be unable to see it from their gardens or windows. It therefore could meet the criteria for permitted development.
The proposed Dorma window takes into account all other relevant Sections of The Town and Country Planning (General Permitted Development) (England) Order 2015, such as using materials in keeping with the local character, and size being less than half the width of the roof etc; as detailed in the plans and attachments.

There would be no overshadowing of neighbouring rooms or gardens. As a back mid terrace there is no side aspect to the house and the Dorma window faces forward (south).

From reading Kirklees Councils House Extensions and Alterations SPD June 2021 the proposal's appear to meet the design principles and will hopefully be considered as Lawful permitted development.
'5.4 Dormer windows & roof extensions
5.26 To assess whether a dormer window is appropriate on the front elevation, consideration should be given to the surrounding buildings in the street. Traditional vertical dormer windows usually complement the character and roof pitch of the existing house and will normally be acceptable.
5.27 Dormer windows should: relate to the appearance of the house and existing roof; be designed in style and materials similar to the appearance of the existing house and roof; not dominate the roof or project above the ridge of the house; be set below the ridgeline of the existing roof and within the roof plane;'

The front and only elevation of the house does not front a highway so hopefully can be considered as Lawful permitted.

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- ○ Yes
- ☑ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- ○ The agent
- ☑ The applicant
- ○ Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- ☑ Yes
- ○ No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title

***** REDACTED ******

First Name

***** REDACTED ******

Surname

***** REDACTED ******

Reference

4608538

Date (must be pre-application submission)

16/04/2024

Details of the pre-application advice received

This was an enquiry to Kirklees planning contact centre and not a pre-planning application.

Proposed dormer window at 541 New Hey Road Mount5
Yahoo
/
Inbox
Planning ContactCentre

From:
planning.contactcentre@kirklees.gov.uk
To:
kathrynosullivan@rocketmail.com

Tue, 16 Apr at 08:22

OFFICIAL - SENSITIVE

Dear Ms O'Sullivan,

I refer to your enquiry, ref 4608538.

This proposes to replace an existing 'Velux' rooflight with a dormer window in a loft space.

From our mapping system, it appears that your property is single aspect (back-to-back). If this is the case, then the formation of a dormer would be in the principal elevation by default. This is because it is the only elevation.

Permitted development rights for loft conversion, as set out on the Planning Portal, include a limitation for the formation of roof extensions in the principal elevation of the property – see below –

https://www.planningportal.co.uk/permission/common-projects/loft-conversion/planning-permission

However, this is also qualified stating that works would not be 'permitted development' where "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";

In the case of your property, this does not appear to front a highway?

In these circumstances there may or may not be rights to erect a dormer without permission, but it is not possible to provide a qualified response by exchange of emails.

If you require a definitive opinion whether planning permission is or is not required which is legally binding you will need to formally apply for a certificate of lawful proposed development: this takes into acocunt the complexities of the permitted devleopment right and your proeprty.

All responses to requests for information are informal opinions given in good faith based on the information presented to Officers and are not binding on the Council in the future.

Any views or opinions expressed are in good faith, without prejudice to the formal consideration of any planning application, which will be subject to public consultation (which will include the relevant Town or Parish Council) and ultimately be decided by the Council.

It should be noted that subsequent alterations to legislation or local, regional and national policies might affect the advice given.

With regards

Development Management

Planning and Development Service

Growth & Regeneration

PO Box 1720, Huddersfield, HD1 9EL

Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:
(a) a member of staff
(b) an elected member
(c) related to a member of staff
(d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

- ○ Yes
- ☑ No

Interest in the Land

Please state the applicant's interest in the land

- ☑ Owner
- ○ Lessee
- ○ Occupier
- ○ Other

Declaration

I/We hereby apply for Lawful development: Proposed use as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.
I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.
I/We also accept that, in accordance with the Planning Portal's terms and conditions:
- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

☑ I / We agree to the outlined declaration

Signed

Kathryn O'Sullivan

Date

22/05/2024