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/91485/W
Site:	541, New Hey Road, Mount, Huddersfield, HD3 3XN
Description:	Certificate of lawfulness for proposed dormer window
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 30-Jul-2024

Officer Report

Site Description

541, New Hey Road is a mid-terrace property faced in natural stone with a tiled roof. The property is part of a row of back-to-back properties, with the application site (number 541) neighbouring with number 535 New Hey Road. The joint properties are split-level in nature, with number 535 being a two-storey property and the application site, being three storey to the rear, which faces onto a large garden. The property also has a converted loft space with the addition of a rooflight.

The row of terraced properties comprises a similar architectural style and material pallet. Numbers 533- 535 have a “two up, two down” appearance, with the door centrally located, with 1 window on each floor on both sides of the door. Number 537 has a door to the left side of the front elevation.

Description of Proposal

The application is for a certificate of lawfulness for a proposed dormer window. Due to the nature of the property, the dormer is proposed to be on the principal elevation as this is the only elevation.

The dormer is proposed to be clad in Grey uPVC shiplap and have uPVC window to the front. The roof of the dormer will comprise slates that are grey art stones to match the roof of the original dwelling.

History of negotiations/amendments received

Clarification was sought regarding the proposed materials. The applicant provided an example of the ‘greys artstone’ which is proposed to be used in the construction of the dormer, as well as an example of the existing roof tiles to demonstrate the similarities between the existing and proposed materials.

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 dormer 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), Class B- *additions etc to the roof of a dwellinghouse.*

Permitted development

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 submitted plans, 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 *As the property is back-to-back in nature, the dormer would be located on the principal elevation by default. A private drive for access to 539 New Hey Road runs adjacent to the west of the site. Additionally, Raygate runs to the south of the site; however, due to the distance from the site, orientation and levels distance it can be concluded that the principal elevation does not front a highway or the driveway if considered to be a private way.*

(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 *The property is a terraced house; therefore, the cubic content of the resulting roof space cannot exceed more than 40 cubic metres. The submitted plans are not to an identifiable scale; however, taking the area of the existing roof slope and proposed design into account, it can be reasonably deduced the proposed dormer would be under 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;

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 materials proposed are to be greys artstone and grey shiplap. The greys artstones are of similar appearance to the slates used in the construction of the original roof of the dwellinghouse due to their sand-coloured base with black/grey overcoating. The proposed grey uPVC shiplap which is of a similar colour to the roof of the existing dwellinghouse particularly when viewed from a distance from the public realm.*

(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 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 Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) subject to conditions within paragraph A.3 of the same Order.

Recommendation: Approve certificate

Decision Authorisation - Delegated Powers

Application Number: 2024/91485

Officer Recommendation: Approve certificate

The proposed dormer 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.

Plans and specifications schedule:

Plan Type	**Reference**	**Version**	**Date Received**
Proposed plans	1042693	-	24/05/2024
Proposed plans	1042692	-	24/05/2024
Proposed plans	1042685	-	24/05/2024
Block plan	1042684	-	24/05/2024
Location Plan	1042743	-	29/05/2024
Email from applicant with confirmation of materials	Email 03/07/2024	-	03/07/2024

NOTE: Condition B.2 (a) states that the materials used in any exterior work must be of similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

Report Dated: 23/07/2024