

**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/91709/E

Site: 23, Victoria Street, Clayton West, Huddersfield, HD8
9NW

Description: Certificate of lawfulness for proposed reslate of roof
and installation of roof light front aspect within the original roofline

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.**

Kevin Walton

AUTHORISED OFFICER

Date 01-Oct-2024

Reference:	2024/CLD/91709/E
Applicant: -	P Fox
Location: -	23 Victoria Street, Clayton West, Huddersfield, HD8 9NW
Proposal: -	Certificate of lawfulness for proposed reslate of roof and installation of roof light front aspect within the original roofline.

Site Description

23 Victoria Street is a two-storey stone built terraced property with a dual pitched slate roof. The property has garden amenity space at the front and rear, the rear which leads to a shared alley space. The property also benefits from an allotment space across the road adjacent the property.

Victoria Street is residential with the exception of a commercial premises at the corner with Wakefield Road. There are a mix of housing types including a single bungalow, detached and terraced properties. The street adopts similar materials used in the construction of the houses with a similar design adopted along the street.

Application Proposal

The application is for a certificate of lawfulness to reslate the roof and installation of roof light on the principal facing roof slope. 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 within permitted development rights.

Relevant Planning History

None

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 by section 55 of the Town and Country Planning Act 1990 and the

Town and Country Planning (General Permitted Development) (England) 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 dwellinghouse), Class B and E.

The reslating of the roof with salvaged slates from existing roof and also addition of blue Spanish slate roof tiles to match the existing design and appearance. The works to reslate the roof as such would not involve development as defined by section 55 of The Town and Country Planning Act 1990.

The proposal comprises the addition of a roof light on the roof slope facing the principal elevation. Thus, this element of 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 C.

Other alterations to the roof of a dwellinghouse – Class C

The certificate of lawful development for the alteration of a dwellinghouse consisting of an alteration to its roof is permitted development subject to complying with the relevant criteria below.

Development not permitted

C.1 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: *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) 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: *The roof light on the slope which forms the principal elevation will not protrude more than 0.15m.*

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

Comment: *No part of the roof light would exceed the height of the highest part of the existing roof.*

(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: *The proposed development does not consist of or include the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or the installation, alteration or replacement of a solar photovoltaics or solar thermal equipment.*

(e) 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 this Schedule.*

Conclusion

The proposed addition of a roof light on the roof slope forming the principal elevation has been assessed against the relevant legislation, Town and Country Planning (General Permitted Development) (England) Order 2015(as amended), Schedule 2 Part 1, Class C. Considering the information and drawings provided, the addition of a roof light on the roof slope forming the principal elevation would be permitted development under this class.

Recommendation: Grant certificate
Decision Authorisation - Delegated Powers
Application Number: 2024/91709

Officer Recommendation: Approve certificate

The proposed re-slate of the roof and insertion of a roof light on the roof slope facing the principal elevation 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 C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Plans and specifications schedule:

Plan Type	Reference	Date Received
Location Plan	1046422	17/06/2024

Report Dated: 24.09.2024