

**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/92015/E

Site: 109, Slaithwaite Road, Thornhill Lees, Dewsbury,
WF12 9DN

Description: Certificate of lawfulness for existing rear dormer
extension

Case Officer: Jessica Irwin

Decision Reference: EXISTING 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 26-Sep-2024

Officer Report

Site Description

109 Slaithwaite Road is a two-storey mid-terraced dwelling in Dewsbury. It has a garden to the front and a garden and driveway to the rear which is accessible via Back Slaithwaite Road. The property is constructed from stone walls and tiled roofing. The property is located on a residential street with other properties of a variety of ages, designs and sizes. The application site is located within the Strategic Green Infrastructure Network on the Kirklees Local Plan.

Description of Proposal

The application is for a certificate of lawfulness for the erection of an existing rear dormer. 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 dormer is permitted development.

The dormer is located to the rear elevation, is set back from the existing eaves by 0.8m, with a length of 4.9m, a width of 3.88m and a height of 2.28m. No part of the roof extension would exceed the highest part of the existing roof. Based off these measurements, the total cubic volume increase would be approximately 21.7m³.

The dormer is clad in dark grey cladding to match the colour of the existing dwellinghouse roof tiles.

History of negotiations/amendments received

No history of negotiations/ amendments received.

Relevant Planning History

2021/92960 – Erection of dormer and exterior alterations – Full conditional permission

Consultation Responses

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

There is no statutory duty to advertise Lawful Development Certificate's for existing development. On the balance of probabilities, as the evidence is clear in this instance, there is no need to advertise via site notice.

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;
2. If so, whether Permitted Development rights apply to the property; and
3. 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 exceeds 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: The dormer is not located beyond the plane of any existing roof slope 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 The property is a terrace house; therefore, the cubic content of the resulting roof space along with the existing front dormer enlargement cannot exceed more than 40 cubic metres. The cubic content of the dormers are less than 40m³ and therefore does not exceed the above.

(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 agent has confirmed that the dormer has been clad in a dark grey cladding to match the colour of the original roof materials. The materials used in the construction of the dormer 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 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.

Comment: The edge of the enlargement closest to the eaves of the original roof is not less than 0.2 meters from the eaves, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse and no windows have been inserted on a wall or roof slope forming a side elevation.

Conclusion

Recommendation: Approve certificate

The proposal has been considered against the relevant legislation, Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2 Part 1, Class B and it has been deemed permitted

development. As a result, it does not require planning permission and the lawful development certificate is therefore approved.

The proposed dormer extension as shown on the submitted plans listed in this decision notice benefitted 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.

Plan type	Reference	Web ID	Date received
Application form		1050718	25/07/2024
Proposed as built	02c	1050720	25/07/2024
Existing	01b	1050719	25/07/2024
E-mail titled "RE: 2024/92015 - 109, Slaithwaite Road"			25/09/2024