

**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/92114/W

Site: 9, Springfield Avenue, Honley, Holmfirth, HD9 6ED

Description: Certificate of lawfulness for proposed erection of rear dormer and alterations to roof to form first floor accommodation

Case Officer: Chris Cockroft

**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 24-Sep-2024**

**Application Number:** 2024/92114

### **Site Description**

9, Springfield Avenue, Honley, Holmfirth, HD9 6ED, is a single-storey semi-detached bungalow. To the front is a drive and small garden, with a small garden to the rear. The dwelling is constructed of sandstone brick.

There are various styles and types of semi-detached dwellings along Springfield Avenue, which is a residential area.

### **Application Proposal**

The application is for a certificate of lawfulness for proposed loft conversion with rear dormer. There are three proposed roof lights to the west facing front elevation.

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 permitted development.

The total figure provided in the application proposal is 39 cubic metres.

Calculations taken from the provided drawings are as follows:

The dormer would have a width of 5.90m, height of 2.00m and depth of 3.60m  
Total roof dormer volume = 21.20 cubic metres.

The hip to gable roof extension would have a width of 9.6m, height of 3.30.m and depth of 4.85m  
Total hip top gable volume = 25.60 cubic metres.

Total cubic volume increase of dormer and hip to gable extension (calculated from the drawings provided) = 46.80 cubic metres

### **Relevant Planning History**

2024/90718 - Erection of front and rear dormer windows and associated works- REFUSED

### **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 and Class C.

The proposal comprises the erection of a rear dormer, hip to gable roof extension and roof lights to the front elevation. 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 and Class C.

### **Dormer & Hip to Gable Roof Extension – 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 or hip to gable extension 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 or hip to gable extension, 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 semi-detached property, the maximum additional roof volume permitted is 50 cubic metres. Taking into account the roof space created (as per the plans), it would not exceed 50 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 consist of include: 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.

**Comment:** *Details provided in the proposal state that all materials will match existing.*

- (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

**Comment:** *The dormer proposed on the rear, east facing elevation, is shown to be set back from the existing eaves and joined to the existing roof.*

- (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:** *N/A*

### **Roof Lights – Class C**

Class C – other alterations to the roof of a dwellinghouse

C. Permitted development *Any other alteration to the roof of a dwellinghouse.*

C.1 Development not permitted

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:** *No*

- (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 alterations would not protrude more than 0.15 metres beyond the plane of the slope of the original roof*

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

**Comment:** *No*

(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:** *No*

(e) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

**Comment:** *No*

### **Conclusion**

The proposed dormer and hip to gable extension to the roof and rooflights have been assessed against the relevant legislation, Town and Country Planning (General Permitted Development) (England) Order 2015(as amended), Schedule 2 Part 1, Class B and Class C. Considering the information and drawings provided, the erection of the proposed rear dormer, hip to gable extension and roof lights would be permitted development under these classes.

**Recommendation:** **Grant certificate**

**Decision Authorisation - Delegated Powers**

**Application Number: 2024/92114**

### **Officer Recommendation: Grant certificate**

The proposed dormer and hip to gable extension and roof lights at 9, Springfield Avenue, Honley, Holmfirth, HD9 6ED, as shown on the submitted plans listed in this decision notice, 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 and Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), subject to respective conditions stated in paragraph B.2 and C.2 of the same Order.

Plans and specifications schedule:

<b>Plan Type</b>	<b>Reference</b>	<b>Date Received</b>
Existing Elevations	01 - Existing	29/07/2024
Proposed Elevations	02 - Proposed	29/07/2024
Application Form		29/07/2024

**Report Dated:** 20.09.24