

**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/92569/E

Site: 94, Huddersfield Road, Skelmanthorpe,
Huddersfield, HD8 9AS

Description: Certificate of lawfulness for proposed rear dormer
and installation of first floor side window

Case Officer: Jessica Irwin

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 31-Oct-2024

Officer Report

Site Description

94 Huddersfield Road is a semi-detached bungalow, with accommodation in the

roof. The property is faced in stone, with a tiled roof above. The principal elevation faces Huddersfield Road (a classified B-road) while the rear elevation faces an adopted road with the green belt behind. The dwellinghouse benefits from amenity space to the front and rear of the property.

Permitted Development Rights have not been removed from the property.

Description of Proposal

Permission is sought for a Certificate of Lawfulness for a rear dormer extension.

The rear dormer is to be extended by a length of 6 metres. The projection (3.8 metres) and height (2.6 metres).

Proposed dormer extension: 2.6 metres(height) x 3.8 metres(depth) x 6 metres (length) / 2 = 29.64m³

The total volume of the proposed rear dormer would be 29.64m³

The proposed dormer extension would have a flat roof and the application form states that the materials will match the existing roof tiles where possible to blend in to the surrounding environment. The annotated plans state that anthracite coloured cladding will face the proposed dormer, matching the dark grey coloured openings on the existing dwellinghouse. The proposed UPVC dormer windows will also be grey.

The proposal also involves the installation of a first-floor side window.

History of Negotiations/Amendments Received

No negotiations have taken place and no amended plans received.

Relevant Planning History

None.

Consultation Responses

No consultations were required.

Legislation

This application falls to be considered under the relevant legislation as follows:-

The Town and Country Planning Act 1990 Section 55 & 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.
- 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, Class B (additions etc to the roof of a dwellinghouse) and Schedule 2, Part 1, Class A (enlargement, improvement or alteration).

The proposal comprises of a rear dormer extension and installation of a first-floor side window. 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, Class B (additions etc to the roof of a dwellinghouse) and Class A (enlargement, improvement or alteration).

Permitted Development

B. The enlargement of a dwellinghouse consisting of an additional or alteration to its roof.

Development not permitted:-

(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: *Not applicable.*

(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: *The proposal does not 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: *The proposal would not extend beyond the existing roof slope on 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: *Cubic volume of proposed rear dormer extension = 29.64m³ on a semi-detached property.*

(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: *Not applicable.*

(f) the dwellinghouse is on article 2(3) land

Comment: *Not applicable.*

(g) the dwellinghouse is build under Part 20 of this Schedule (construction of new dwelling)

Comment: *Not applicable.*

(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: *Not applicable.*

Conditions

B.2 Development is permitted by Class B subject to the following conditions—

(a) the materials used in any external work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

Comment: *The application form states that the materials will match the existing roof tiles where possible to blend in with the surrounding environment. The annotated plans state that anthracite coloured cladding will face the proposed dormer, matching the dark grey coloured openings on the existing dwellinghouse. The proposed UPVC dormer windows will also be grey.*

(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 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 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and

Comment: *The edge of the enlargement closest to the eaves of the original roof is not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves.*

(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 metres above the floor of the room in which the window is installed.

Comment: *The proposed new window on the upper floor side elevation will be obscurely glazed. The part of the window which can be opened is higher than 1.7 metres above the floor of the room in which the window is installed.*

The proposed installation of a new window opening on the existing side elevation, the alteration would not be categorised as an enlargement to the existing dwellinghouse, and the application site is not situated on article 2(3) land, therefore Class A.1 and A.2 restrictions do not apply in so far as the height of the dwellinghouse and eaves are not exceeded.

A.3 Development is permitted by Class A subject to the following conditions—

a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

Comment: *According to the plans, the proposed new window opening on the existing side elevation would be constructed to match those on the existing dwelling in external appearance.*

b) any upper-floor window located in 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 metres above the floor of the room in which the window is installed[.]

Comment: *Notwithstanding the plans and information submitted, the proposed upper floor side window opening would need to be obscurely glazed and top opening with the opening parts higher than 1.7m above their corresponding floor levels. The upper floor window opening would consist of a top-hinged opening section that would be more than 1.7m above the ground floor level.*

b) where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse

Comment: *The proposed window opening would not constitute an enlargement to the existing dwellinghouse.*

Conclusion

The proposed rear dormer extension at 94 Huddersfield Road benefits from a general planning permission by virtue of Article 3(1) and Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) subject to respective conditions as set out in paragraphs B.2 of the same Order.

The new upper floor side elevation window benefits from a general planning permission by virtue of Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) subject to respective conditions as set out in paragraphs A.3 of the same Order.

NOTE: Condition A.3(b) states:-

- b) any upper-floor window located in 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 metres above the floor of the room in which the window is installed[.]

Recommendation: Approve

Plan type	Reference	Web ID	Date received
Application form		1057662	09/09/2024
Proposed elevations	24-19-02A	1057664	09/09/2024
Proposed plans	24-19-01A	1057661	09/09/2024
Existing plans	24-19-03	1057660	09/09/2024
Location plan		1057659	09/09/2024