

**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/93267/E

Site: Four Winds, 2, Highbridge Lane, Skelmanthorpe,
Huddersfield, HD8 9JY

Description: Certificate of lawfulness for proposed alterations to
roof from hipped to gable ends and erection of rear dormers

Case Officer: Chris Cockroft

Decision Reference: PROPOSED OPERATIONS REFUSED

**I hereby authorise the refusal 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 08-Jan-2025

Officer Report

Application: 2024/93267

Site Description

The application site relates to Four Winds, 2, Highbridge Lane, Skelmanthorpe, HD8 9JY, a large two-storey detached, stone-built dwelling, situated in large grounds. There is an existing large extension to the western elevation of the original dwellinghouse, a rear box extension with a flat roof to the south elevation and an existing double garage to the western elevation.

Proposal Description

The application is for a certificate of lawfulness for proposed dormer extension and associated alterations. 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 does not exceed the limitations of permitted development and in particular only increases the cubic content of the original roof by 46 cubic metres, thus below the 50 cubic metres allowed.

History of Negotiations

None.

Relevant Planning History

88/03294 – Erection of detached swimming pool, gymnasium, snooker room and garage - refused

89/02856 - Erection of extension to form gym, snooker room, patio and changing room and W C for outdoor pool - granted

2000/92505 – Erection of double garage – granted

2023/92461 – Erection of extensions and alterations – refused

2023/93664 – Erection of extensions and alterations – refused

2024/91622 – Erection of 8 metre rear extension – prior approval not required

2024/92980 – Replacement of flat roof with pitched roof and alteration to existing windows – not determined

Representation

The application is for a certificate of lawfulness and therefore is not advertised.

Consultation Response

No consultation was necessary for the application for a Lawful Development Certificate.

Legislation

The Town and Country Planning Act 1990 Section 55 and the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).

Assessment

Principle of Development

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;
1. If so, whether Permitted Development rights apply to the property; and

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 of 4 roof dormers to the rear and two, hip to gable enlargements. 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).

Dormers and Hip to Gable Roof Enlargement

Permitted Development – Roof Extension and Alteration

- A. The certificate of lawful development for the enlargement of a dwellinghouse consisting of an addition or alterations to its roof which is permitted development subject to complying with the relevant criteria as per Class B.

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);

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;

The proposal does not exceed the height 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;

The proposals would not extend beyond the existing roof slope of the principal elevation, the dormers will be on the rear roof plane.

(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;

As a detached property, the maximum additional roof volume permitted is 50 cubic metres. The definition of "resulting roof space" is defined at paragraph B.3 of Class B where it states " means the roof space as enlarged, taking into account any enlargement to the original roof space, whether permitted by this Class or not." In this instance the original roof space (i.e. as existing in 1948 or built thereafter), is the body of roof upon which the proposed dormers and hip to gable enlargement are located. This part of original roof was enlarged by the adjoining roof of the western enlargement granted under planning permission reference 89/02856. The approved plan clearly indicate the roof of the enlargement part of the dwellinghouse adjoins the original roof space thus resulting in a increase in the original roof space. This increase amounts to 227.8 cubic metres which in addition to the proposed increase of 46.6 cubic metres far exceeds the allowance under sub-paragraph B.1(d).

(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; or

The above is not relevant.

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

The above is not relevant.

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.

Materials used in the exterior work of the dormer will match the existing dwelling.

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

Conclusion

The proposed enlargement to the roof has been assessed against the relevant legislation, Town and Country Planning (General Permitted Development) (England) Order 2015(as amended), Schedule 2 Part 1, Class B. Considering the information and drawings provided, the erection of the proposed alterations to roof from hipped to gable ends and erection of rear dormers, would not be permitted development under this class.

Recommendation: **Refuse Certificate**

Decision Authorisation - Delegated Powers

Application Number: 2024/93267

Officer Recommendation: Refuse certificate

The proposed alterations to roof from hipped to gable ends and erection of rear dormers at Four Winds, 2, Highbridge Lane, Skelmanthorpe, HD8 9JY, does **not** benefit from a general planning permission granted 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), as the proposed roof enlargement, in addition to a previous enlargement to the original roof space, exceeds 50 cubic metres contrary to sub-paragraph B.1(d) of Class B.

Plans and specifications table: -

Plan Type	Reference	Version	Date Received
Location plan	APAS MAP		19/11/2024
Application form			15/11/2024
Existing grouped plans and elevations	22014D-20-P01 – GA as Existing		15/11/2024
Proposed grouped plans and elevations	22014D-20-P02 – GA as Proposed		15/11/2024
Site Block and Location Plan	22014D-22-P01 Site Block and Location Plan		15/11/2024

Report Dated: 06/01/2025