

**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/93310/E

Site: 1, South View Terrace, Grange Moor, Wakefield, WF4
4DZ

Description: Certificate of lawfulness for proposed erection of rear
dormer extension and associated alterations

Case Officer: Sharoz Ilyas

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 17-Jun-2025

Reference:	2024/CLD/93310/E
Applicant: -	Mr & Mrs K Buckley
Location: -	1, South View Terrace, Grange Moor, Wakefield, WF4 4DZ
Proposal: -	Certificate of lawfulness for proposed erection of rear dormer extension and associated alterations

Site Description

1 South View Terrace is an end of terrace dwellinghouse built using stone bricks and roofed with grey roofing tiles. It is located within a residential street adjacent a school. The dwellinghouse is located at the junction between South View Terrace and Liley Lane (B6118). The original dwellinghouse has been extended to the west with a two storey extension with pitched roof to match the existing.

Application Proposal

The application is for a certificated of lawfulness to erect a rear dormer with 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 is within permitted development rights.

Relevant Planning History

97/62/91810/E6: Erection of two-storey extension (Granted)

2024/62/92364/E: Erection of dormer extension and associated alterations (Granted)

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.

The proposal comprises the erection of a rear dormer. Thus, the proposal constitutes the carrying out of building, engineering, mining or other operations in, over or under land. 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 – 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 dormer 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 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 terraced property, the maximum additional roof volume permitted is 40 cubic metres. The original roof space has been extended by approximately 63 cubic metres via the erection of a two storey extension adjoining the original west elevation. Taking*

into account the roof space created bar the original roof, the cubic content of the dormer extension in addition to the existing enlargement, the total resultant roof space would exceed 40 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; or

Comment: *The proposal does not consist of include the provision of a soil and vent pipe, 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.
- (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.

Conclusion

The proposed dormer extension 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 addition of a rear roof dormer extension would not be permitted development under this class.

Recommendation: Refuse certificate
Decision Authorisation - Delegated Powers
Application Number: 2024/93310

Officer Recommendation: Refuse certificate

The proposed rear dormer extension does not benefit from 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) by reason of the resultant cubic content exceeding the limitation in sub-paragraph B.1(d).

Plans and specifications schedule:

Plan Type	Reference	Date Received
Proposed Site/Block Layout	1067398	26/11/2024
Existing Site/Block Layout	1067397	26/11/2024
Grouped Plans and Elevations Proposed	1067396	26/11/2024
Grouped Plans and Elevations Existing	1067395	26/11/2024
Location Plan	1067393	26/11/2024