

**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.: 2025/CL/90131/E

Site: 2, Horner Avenue, Carlinghow, Batley, WF17 8DP

Description: Certificate of lawfulness for proposed erection of gable  
end extension and rear dormer

Case Officer: Sharoz Ilyas

**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 27-Mar-2025**

Reference:	2025/90131
Applicant: -	I Khan
Location: -	2, Horner Avenue, Carlinghow, Batley, WF17 8DP
Proposal: -	Certificate of lawfulness for proposed erection of gable end extension and rear dormer

### Site Description

The application site is occupied with a semi-detached, two-storey dwellinghouse built using red and stone brick and has a hipped roof with slate tiles. The dwellinghouse has garden amenity space at the front, back and side with a driveway that leads to a garage at the front.

Horner Avenue is a residential road with differing style dwellinghouses.

### Application Proposal

The application is for a certificated of lawfulness to erect a rear dormer and extending the roof from hip-to-gable. 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.

The proposed dormer enlargement measures 5.4m in width, 2.45m high and 3.5m in depth resulting a cubic content of 23 cubic metres

The hip to gable enlargement measures 8.8m in width, 2.8m high and 3.4m from the existing ridge to the gable resulting in a cubic content of 14 cubic metres.

The total roof enlargement is 37 cubic metres.

The proposed development also includes two new roof lights within the front roof slope.

### Relevant Planning History

2024/HHPD/91633/E: The proposal is for erection of single storey rear extension. The extension projects 5m beyond the rear wall of the original dwellinghouse. The maximum height of the extension is 4m, the height of the eaves of the extension is 3m - (Granted)

94/62/92673/E1: ERECTION OF DETACHED GARAGE – (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;
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 dwellinghouse), Class B.

The proposal comprises the erection of a rear dormer and the extension of the existing roof from hip-to-gable and two new roof lights. 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), Classes B & C.

### 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 the hip-to-gable extension and 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 hip-to-gable extension and 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 semi-detached property, the maximum additional roof volume permitted is 50 cubic metres. Taking into account the roof space created bar the original roof, the cubic content of the dormer and hip-to-gable extension, 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;
- 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.

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: No*

(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 extension, hip-to-gable extension and roof lights have been assessed against the relevant legislation, Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2 Part 1, Classes B & C. Considering the information and drawings provided, the addition of a rear roof dormer extension, hip-to-gable extension and roof lights would be permitted development under this class.

Recommendation: Grant certificate  
Decision Authorisation - Delegated Powers  
Application Number: 2025/90131

Officer Recommendation: Approve certificate

The proposed dormer extension, hip-to-gable extension and roof light benefit from general planning permission granted by virtue of Article 3(1) and Schedule 2, Part 1, Classes B & C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) subject to conditions as stated in paragraphs B.2 & C.2 of the same Order.

Plans and specifications schedule:

Plan Type	Reference	Date Received
Grouped Plans and Elevations – 2 Horner Avenue-PLN-EXT A3L-1	1073244	20/01/2025
Existing Floor Plans – 2 Horner Avenue-PLN-EXT A3L-2	1073243	20/01/2025
Proposed Floor Plans – 2 Horner Avenue-PLN-EXT A3L-3	1073242	20/01/2025
Grouped Plans and Elevations – 2 Horner Avenue-PLN-EXT A3L-4	1073241	20/01/2025
Grouped Plans and Elevations – 2 Horner Avenue-PLN-EXT A3L-5	1073240	20/01/2025