

**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/90158/E

Site: 31, Hepworth Lane, Mirfield, WF14 0PS

Description: Certificate of lawfulness for proposed hip to gable
conversion and rear dormer extension

Case Officer: Charlotte Hancock

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 08-Apr-2025

Site Description

The property is a brick built, semi-detached bungalow which is located adjacent to a large field. The property benefits from a private driveway to the front and a garden to the rear. The property is located in a residential area and the properties which comprise the street are of differing sizes, material pallets and architectural styles.

Application Proposal

The application is for a certificate of lawful proposed development for a hip to gable enlargement and rear dormer roof enlargement. 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 agent has included measurements on the submitted plans and the calculations are as follows:

Rear dormer

$$7\text{m} * 3.5\text{m} * 2.7\text{m}/2 = 33.07\text{m}^3$$

Hip to gable

$$8\text{m} * 3\text{m} * 3.7\text{m}/6 = 14.80\text{m}^3$$

Total resultant roof space at 47.87 cubic meters Relevant

Planning History

No relevant planning history

History of Negotiations

Negotiations were entered into with the agent to reduce the size of the rear dormer. The original submitted plans suggested that the dormer would have a length of 8.3m, depth of 3.5m and height of 2.7m. this would have resulted in the dormer having a 39.2 cubic metre increase, bringing the total submission over 50 cubic metres. It was therefore suggested that the length of the dormer was reduced to 7m to bring it in line with permitted development tolerances.

Consultations

This is an application for a Lawful Development Certificate and for this reason, no consultations are necessary.

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: -

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
1. 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 the alteration of the existing hipped roof to form a gable and insertion of a rear dormer. 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 hip to gable extension and dormer 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).

Permitted development

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

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 has not been granted by virtue of the above.*

(a) 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 existing height of the dwelling.*

(a) 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.*

(b) 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: *The dwelling is a semi-detached bungalow.*

Rear dormer

$$7\text{m} * 3.5\text{m} * 2.7\text{m}/2 = 33.07\text{m}^3$$

Hip to gable

$$8\text{m} * 3\text{m} * 3.7\text{m}/6 = 14.80\text{m}^3$$

Total resultant roof space at 47.87 cubic meters which is under 50 cubic metres.

(c) it would consist of or include-

- (i) The construction or provision of a verandah, balcony or raised platform, or
- (i) The installation, alteration or replacement of a chimney, flue or soil and vent pipe

Comment: *the proposal would not include the above.*

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

Comment: *The dwellinghouse is not located on article 2(3) land.*

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

Comment: *the dwellinghouse has not been built under Part 20 of the Schedule.*

(f) 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.1 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: *The materials are to be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.*

(a) 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 rear dormer and hip to gable enlargement at 31 Hepworth Lane would be permitted development as set out in Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 2015 subject to respective conditions as set out in paragraph B.2 of the same Order.

Recommendation: GRANT certificate

Decision Authorisation - Delegated Powers

Application Number: 2025/90158

Officer Recommendation: Grant certificate

The proposed rear dormer and hip to gable enlargement at 31 Hepworth Lane would 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) subject to respective conditions as stated in paragraph B.2 of the same Order.

Plans and specifications schedule: -

Plan Type	Reference	Date Received
Application Form	1073639	24/01/2025
Existing plans and elevations	24.2779.01	24/01/2025
Proposed elevations	24.2779.03B	02/04/2025
Climate change statement	1073642	24/01/2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The Case Officer entered into negotiations and request amended plans for the proposed development and it was considered that the application acceptable in its amended form.

Report Dated 03/04/2025