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/90325/E

Site: 7, Ouzelwell Terrace, Ouzelwell Lane, Thornhill Lees, Dewsbury, WF12 9ER

Description: Certificate of lawfulness for proposed erection of front porch, single storey rear extension and rear dormer

Case Officer**:** Chris Cockroft

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 13-May-2025

Officer Report

Application Number: 2025/90325

Site Description

7, Ouzelwell Terrace, Ouzelwell Lane, Thornhill Lees, Dewsbury, WF12 9ER is a two storey brick built terrace dwelling. There is hard standing / car parking area to the front of the dwelling and a small hard standing amenity area to the rear, plus a further amenity area across the back lane.

The other properties on the street are not uniform in scale, design, or material palette. The area is predominantly residential.

Description of Proposal

Permission is sought for a Certificate of Lawfulness for the erection of front porch, single storey rear extension, rear dormer and front roof light

The rear extension would project from the rear elevation of the property by 3.0m and would be a total width of 2.76m with an eave's height of 2.79 m and overall height of 3.79m to the ridge of the pitched roof.

The porch shall extend from the front elevation by 1.5m with a width of 2.0m, with an eave's height of 2.57m and an overall height of 3.0m to the ridge of the pitched roof.

The dormer would have a width of 5.51m, height of 2.50m and depth of 3.98m = 27.40 cubic metres.

The roof light would be 1180mm x780mm, constructed within the plane of the roof.

Details have been submitted with regards to construction materials.

The property has not had its Permitted Development Rights removed.

History of negotiations/amendments received

Plans have been amended to address a number of discrepancies.

Relevant Planning History

2024/91688 Demolition of existing outbuilding and erection of single storey rear extension with rear dormer and front porch – Refused 09/08/2024

Consultation Responses

No objections have been made.

Issues and Assessment

Applications for Certificates of Lawful Developments for the erection of extensions to dwellings are assessed against the general permission conferred by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Rear enlargement

Schedule 2, Part 1, Class A of the Order sets out the Permitted Development Rights which relates to the 'enlargement, improvement or other alteration to a dwellinghouse'. In assessing the proposal against this:

Development not permitted
A.1 Development is not permitted by Class A 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 to use the dwelling as a dwelling house was not granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule.*

a) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

***Comment:** As a result of the works, the total area of ground covered by the proposal would not exceed 50% of the total area of the curtilage.*

b) The height of the part of the dwellinghouse enlarged, improved, or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;

***Comment**: The height of the enlargement/extension would not exceed the highest part of the roof of the existing dwellinghouse.*

c) The height of the eaves of the part of the dwellinghouse enlarged, improved, or altered would exceed the height of the eaves of the existing dwellinghouse

***Comment:** The height of the eaves of the part of the dwellinghouse enlarged shall not exceed that of the original dwelling.*

d) The enlarged part of the dwellinghouse would extend beyond a wall which –
    (i) forms the principal elevation of the original dwellinghouse; or
    (i) fronts a highway and forms a side elevation of the original dwellinghouse;

Comment*: The rear enlargement of the dwellinghouse would not extend beyond a wall which forms part of the principal elevation nor* fronts a highway and forms a side elevation of the original dwellinghouse *.*

e) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and-

    I. extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwelling, or
    I. 3 metres in the case of any other dwellinghouse.
    II. Exceed 4 metres in height;

Comment*: The proposal would be single storey in scale. The rear enlargement would not extend more than 3m from the original dwellinghouse and the rear enlargement does not exceed 4 metres in height.*

f) Until 30th May 2019, for a dwelling not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single story and –
    I. Extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or
    I. Exceed 4 metres in height

Comment*: The proposal would be single storey in scale. The rear enlargement would not extend more than 3m from the original dwelling. The rear enlargement does not exceed 4 metres in height.*

g) The enlarged part of the dwellinghouse would have more than a single storey and-

    i. Extend beyond the rear wall of the dwellinghouse by more than 3 metres, or
    ii. Be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse

Comment*: The enlarged part of the dwellinghouse is to be single storey.*

h) The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;

***Comment**: The enlarged part of the dwellinghouse would be within 2m of the boundary. The eaves would not exceed 3m.*

i) The enlarged part of the dwellinghouse would extend beyond wall forming a side elevation of the original dwellinghouse, and would-
    I. Exceed 4 metres in height
    I. Have more than a single storey, or
    II. Have a width greater than half the width of the original dwellinghouse

***Comment**: The rear enlargement extends beyond a wall forming a side elevation of the original dwellinghouse but does not exceed 4 metres in height nor have more than a single storey or have a width greater than half the width of the original dwellinghouse.*

ja) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j)

***Comment**: the proposed rear enlargement does not adjoin an existing enlargement to the original dwellinghouse.*

j) It would consist of or include –
    i. The construction or provision of a veranda, balcony or raised platform
    ii. The installation, alteration, or replacement of a microwave antenna,
    iii. The installation, alteration of replacement of a chimney, flue or soil and vent pipe, or
    iv. An alteration to any part of the roof of the dwellinghouse

***Comment**: The development would not include the provision of a veranda, balcony or raised platform. It shall not include the installation, alteration, or replacement of a microwave antenna, chimney, flue, or soil and vent pipe. No alteration is to be made to any part of the roof of the original dwellinghouse.*

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

***Comment**: Not applicable*

A.1 Development is not permitted by Class A if –

Conditions

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if:

a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic, or tiles;

a) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
b) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.

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

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;
a) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—

I. obscure-glazed, and
I. 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; and
II. where the enlarged part of the dwellinghouse has more than a single storey, the roof pitch of the enlarged part must, as far as practicable, be the same as the roof pitch of the original dwellinghouse.

Comment: *The proposed materials shall match that of the existing dwelling. There shall be no upper floor windows due to the proposal being single storey in scale.*

Front Porch
D. Permitted development

The erection or construction of a porch outside any external door of a dwellinghouse.
D.1 Development not permitted

Development is not permitted by Class D 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 to use the dwelling as a dwelling house was not granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule.*

(a) the ground area (measured externally) of the structure would exceed 3 square metres;
Comment: The ground area (measured externally) of the porch would not exceed 3 square metres.

(b) any part of the structure would be more than 3 metres above ground level

Comment *The proposed porch measures less than 3.0 metres above ground level*

(c) any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway[; or

Comment *No*

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

Comment *No*

Rear Dormer

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 dormer 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: *It is a rear dormer and therefore no part of the dormer 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. Taking into account the roof space created (as per the plans), would not 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;

Comment: *The proposal does not consist of include: 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.

Comment: *the materials proposed are to match the existing roof tiles and uPVC windows.*

(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

Comment: *The dormer complies with the relevant conditions in* B.2 (b)

(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.

Comment: *Not applicable*

Front Roof Light

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);

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;

No

(c) it would result in the highest part of the alteration being higher than the highest part of the original roof;

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]

No

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

No

C.2 Conditions

Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must be—
(a) obscure-glazed; and
(b) 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 roof light is not on a roof slope forming a side elevation.

Conclusion:
The proposal for 7 Ouzelwell Terrace, Ouzelwell Lane, Thornhill Lees, Dewsbury, WF12 9ER, has been considered against the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and is recommended for approval.

The single storey rear enlargement, rear dormer, front porch and front roof light, benefit from a general planning permission under Schedule 2, Part 1, Classes A, B, C and D of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and it is considered that in this instance, that the proposals would constitute permitted development. As a result, the proposed single storey rear enlargement, rear dormer, front porch and front roof light do not require planning permission and the lawful development certificate is therefore granted.

Recommendation: GRANT Certificate

Decision Authorisation - Delegated Powers

Application Number: 2025/90325

Officer Recommendation: Grant Certificate

The proposed single storey rear enlargement, rear dormer, front porch and front roof light at 7, Ouzelwell Terrace, Ouzelwell Lane, Thornhill Lees, Dewsbury, WF12 9ER, benefit from a general planning permission under

Article 3(1) and Schedule 2, Part 1, Classes A, B, C & D of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) subject to conditions as stated in paragraph A.3, B.2 and C.2 of the same Order.

Plans and specifications schedule: -

Plan Type	Reference	Date Received
Existing Plans and Elevations	SO1 - Existing	06.02.2025
Location Plan	SO1 - Existing	06.02.2025
Work Specification	S03 – Work Specification	06.02.2025
Proposed Plans and Elevations	SO2 REV H	16.04.2025

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.

Dated: 17.04.2025