

**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/90807/E

Site: 28, Clarke Street, Westborough, Dewsbury, WF13
4LR

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

Case Officer: Jessica Irwin

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 29-May-2025

2025/90807

Site description

28 Clarke Street is a two storey, terrace house in Dewsbury. Materials of the walls of the property are stone. The roof has two large chimney stacks to the side of the roof, positioned to the middle of the roof slants.

Proposal

The proposal is for the erection of single storey rear extension alongside a rear dormer and porch to the front elevation entryway.

Single storey rear extension

4.45m long, 2.64m high to the eaves, 3.62m high overall, 3.0m deep

Rear dormer

4.8m long, 2.4m high, 4.3m deep

Cubic metres: 24.77m³

Porch

1.8m long, 2.5m high to the eaves, 3.0m high overall, 1.6m deep

Square metres: 2.88m²

Relevant planning history

N/A

History of negotiations/amendments received

N/A

Assessment

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

Rear extension

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'.

The rear extension is permitted development subject to complying with the relevant criteria below.

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 has not been granted by any of the above.

b) 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: The total area of ground would not exceed 50% of the total area of the curtilage of the dwellinghouse.

c) 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 highest part of the extension would not exceed the height of the highest part of the roof of the existing dwellinghouse.

d) 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 would not exceed the height of the eaves of the existing dwellinghouse.

e) 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 extension would not extend beyond a wall which forms the principal or fronts a highway forming a side elevation of the original dwellinghouse.

f) 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 dwelling is a terraced property, and the extension would project beyond the rear wall of the original dwellinghouse by 3 metres.

g) 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

II. Exceed 4 metres in height

Comment: The dwelling is a terraced property, and the extension would project beyond the rear wall of the original dwellinghouse by 3 metres. It would not exceed 4 metres in height. The matter to be assessed has been submitted for a Lawful Development Certificate and not a prior approval for a larger householder extension.

h) 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 extension would not have more than a single storey.

- i) 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 extension is within 2 metres of the boundary of the curtilage of the dwellinghouse but does not exceed 3 metres in height.

- j) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would

I. Exceed 4 metres in height

II. Have more than a single storey, or

III. Have a width greater than half the width of the original dwellinghouse

Comment: The enlarged part of the dwellinghouse would not extend beyond a wall forming a side elevation 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: N/A.

- k) It would consist of or include –

i. The construction or provision of a verandah, balcony or raised platform

ii. The installation, alteration or replacement of a microwave antenna,

iii. The installation, alteration or 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 proposed works includes the installation, alteration or replacement of a chimney, flue or soil and vent pipe. Please see the assessment of Class G (chimney, flues etc) below.

- l) 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;

b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or

c) 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 dwellinghouse 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;

b) any upper-floor window located in 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; and

III. 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 construction materials would be of a similar visual appearance to the existing dwellinghouse. As the proposal is for a single storey extension, no upper floor windows in a wall or roof slope forming a side elevation are proposed.

The installation, alteration or replacement of a chimney, flue or soil and vent pipe

Schedule 2, Part 1, Class G of the Order sets out the Permitted Development Rights which relates to 'the installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse'.

The installation, alteration or replacement of a chimney, flue or soil and vent pipe is permitted development subject to complying with the relevant criteria below.

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue

of Class M, N, P 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) the height of the chimney, flue or soil and vent pipe would exceed the highest part of the

roof by 1 metre or more; or

Comment: The height of the chimney, flue or soil and vent pipe would not exceed the highest part of the roof by 1 metre or more.

(c) in the case of a dwellinghouse on article 2(3) land, the chimney, flue or soil and vent pipe

would be installed on a wall or roof slope which—

(i) fronts a highway, and

(ii) forms either the principal elevation or a side elevation of the dwellinghouse.

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

Dormer

Schedule 2, Part 1, Class B of the Order sets out the Permitted Development Rights which relates to 'the enlargement of a house consisting of an addition or alteration to its roof'.

The rear dormer 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: 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 terrace property, the maximum additional roof volume permitted is 40 cubic metres. The resulting roof space created by the rear dormer 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 include any of the above.

(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.

Front Porch

Schedule 2, Part 1, Class D of the Order sets out the Permitted Development Rights which relates to 'erection or construction of a porch outside any external door of a dwellinghouse'.

The porch is permitted development subject to complying with the relevant criteria below.

Development not permitted

D.1 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 for this dwelling was not granted by virtue of Class G, M, M, N, P, PA or Q of Part 3 of this Schedule (changes of use).

(b) the ground area (measured externally) of the structure would exceed 3 square metres;

Comment: The ground area of the porch when measured externally would not exceed 3 square metres.

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

Comment: The maximum height of the porch would not exceed 3m.

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

Comment: The porch would not be located within 2 metres of any boundary of the curtilage with a highway.

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

Comment: The dwellinghouse was not built under Part 20 of this Schedule (construction of a new dwellinghouse).

Conclusion

The proposed single storey side extension, rear roof dormer and front porch at 28 Clarke Street, benefit from a general planning permission granted by virtue of Article 3(1) and Schedule 2, Part 1, Class A, Class B, Class D and Class G of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) subject to respective conditions as stated within paragraphs A.3 and B.2 of the same Order.