

**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/91752/W

Site: 7, Lynton Avenue, Springwood, Huddersfield, HD1
4EX

Description: Certificate of lawfulness for proposed rear dormer
extension, hip to gable enlargement and front roof lights

Case Officer: Laura Yeadon

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-Sep-2025

[Weblink](#)

Site Description

7 Lynton Avenue is a two storey, semi-detached property located within an area without notation on the Kirklees Local Plan. The property is constructed from stone and render with a tiled hipped roof. Amenity areas for the property are located to the front and rear of the property with a driveway to the side, leading to a detached pre-fabricated garage.

Surrounding development is predominantly residential.

Application Proposal

The application is for a certificate of proposed lawful development for the erection of a rear dormer, a hip to gable roof extension and roof lights within the front elevation roof slope.

The hip to gable roof form would have the following dimensions and resultant roof space:

Length – 4.6m

Depth – 9m

Height – 3m

Total resultant roof space – $4.6 \times 9 \times 3 / 6 = 20.7\text{m}^3$

The dormer would have the following dimensions and resultant roof space:

Length – 6.2m

Depth – 3.6m

Height – 2.1m

Total resultant roof space – 23.436m^3

Therefore, the resultant roof space would be $20.7\text{m}^3 + 23.436\text{m}^3 = 44.136\text{m}^3$.

The property has not had its permitted development rights removed.

As part of a Certificate of Lawful Development, the onus is on the applicant to provide evidence which states why the proposal fits with the permitted development legislation. In this case, the application form states that the development is lawful under Schedule 2, Part 1, Class B of the GPDO.

Notwithstanding this, 2 no. roof lights are proposed within the front elevation roof slope of the property. As such, these are also of relevance to the assessment of the application under Part 1, Class C of the Order.

Relevant Planning History

2025/91751 Prior notification for single storey rear extension

At the time of writing this report, this application had not yet been determined

Consultations

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

Policies and Legislation

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
- 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 within Section 55 of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) 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 (additions etc to the roof of a dwellinghouse) and Class C (any other alteration to the roof of a dwellinghouse).

The proposal comprises of a rear dormer, hip to gable roof enlargement and front elevation roof lights. 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 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 dwellinghouse), Classes B and C.

Permitted development

Dormer and hip to gable enlargement – 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 to use the dwellinghouse as a dwellinghouse has not been granted by virtue of any 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: *No part of the dwellinghouse would exceed the height of the highest part of the existing roof.*

- (b) 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 works would extend beyond the plane of any existing roof slope which forms the principal elevation and fronts a highway.*

- (c) 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
 - (i) 50 cubic metres in any other case

Comment: *The dwelling is not a terraced dwelling and the cubic content of the resultant proposed works would not exceed 50 cubic metres.*

- (d) 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 works would not include the construction of any of the above.*

- (e) the dwelling is on article 2(3) land;

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

- (f) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses) or

Comment: *The dwellinghouse was not built under Part 20 of the Schedule.*

- (g) 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 existing dwellinghouse has not been enlarged via a Class AA development.*

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 similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
- (a) the enlargement must be constructed so that –
 - (h) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof of the 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 metres 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
- (b) 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 metres above the floor of the room in which the window is installed.

Comment: *The construction materials for the hip to gable enlargement would need be of similar appearance to those used in the construction of the existing dwellinghouse to meet the criteria of the condition. A window is proposed within the side elevation roof slope of the hip to gable extension. The window would*

need to be obscurely glazed and non-opening to meet the criteria of this condition.

Class C – Any other alterations to the roof of a dwellinghouse

Roof lights

Development not permitted

- 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 dwellinghouse as a dwellinghouse has not been granted by virtue of any of the above.*

- a) 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: *The submitted details imply that the roof lights would not protrude above the roof slope. Provided that the alteration would not protrude more than 0.15 metres beyond the plane of the roof slope then this criteria would be met.*

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

Comment: *The highest part of the alteration would not be higher than the highest part of the original roof.*

- c) it would consist of or include-
 - (i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
 - (i) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment; or

Comment: *None of the above are proposed.*

- d) 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.*

Conditions

C2. Development is permitted by Class C subject to the condition that any window located on roof slope forming a side elevation of the dwellinghouse must be –

- (a) obscure-glazed; and
- (a) 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 proposed roof lights would not be located on the side elevation of the roof slope.

Conclusion

The proposed enlargement to the roof 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 and Class C and it has been deemed permitted development. As a result, it does not require planning permission and the lawful development certificate is therefore approved.

Recommendation: Grant certificate

Decision Authorisation - Delegated Powers

Application Number: 2025/91752

Officer Recommendation: Grant certificate

The proposed rear dormer extension, hip to gable roof enlargement and front elevation roof lights as shown on the submitted plans listed in this decision notice benefits from general planning permission granted under Schedule 2, Part 1 (Development within the curtilage of a dwelling house), Class B and Class C of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) subject to conditions stated in paragraphs B.2 and C.2 of the same Order.

NOTE: Condition B.2(c) states : (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 metres above the floor of the room in which the window is installed.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location plan			2 nd July 2025
Existing site plan, elevations and floor plans	A 2308/1		2 nd July 2025
Proposed site plan and floor plans	A 2308/2		2 nd July 2025
Proposed elevations	A 2308/3		2 nd July 2025

Report Dated: 25th July 2025