

**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/91842/W

Site: 233, Wakefield Road, Lepton, Huddersfield, HD8
0DH

Description: Certificate of lawfulness for proposed erection of
rear dormer extension with alterations to roof lights, windows and chimney

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 09-Sep-2025

[Weblink](#)

Site Description

233 Wakefield Road is a detached bungalow located within the defined Green Belt. The property is set up from the roadside, separated by a front garden. There is a driveway to the side which leads to a detached garage. The property is constructed from brick and render and also has amenity space to the rear in the form of an elongated tiered garden. There are a number of detached structures within the rear amenity space including a workshop, green house and pergola.

Application Proposal

The application is for a certificate of proposed lawful development for the erection of a rear dormer. Whilst not detailed on the application form, it is also proposed to enlarge the existing roof lights within the front elevation roof slope with alterations to openings on the rear/side elevation and to remove a central chimney stack.

Dormer

A dormer is proposed within the rear elevation roof slope set back from the existing eaves by approximately 0.4 metres being a width of 10.7 metres. The dormer would project 3.5 metres from the roof ridge and would be a total height of 2.5 metres. The total cubic volume increase would be approximately 46.7 cm³.

Roof lights

The 4 no. roof lights within the front elevation of the property are proposed to be enlarged. The plans do not demonstrate that the roof lights would protrude above the existing roof slope and they would be set down from the ridge of the roof by approximately 0.5 metres.

Alterations

The existing French door on the rear are proposed to be altered to patio doors with a window replaced with French door. An existing window on the side elevation is proposed to be removed.

The property has not had its permitted development rights removed.

Officer note:

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 for states that the proposal is within the parameters of being lawful under permitted development rights for dwellinghouses.

Relevant Planning History

None

Consultations

This is an application for a Lawful Development Certificate and, for this reason, no consultations are necessary. However, Kirkburton Parish Council were notified regarding the application and offered no comment on the application.

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).

The proposal comprises of a rear dormer, roof lights and alterations. 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 A, B and Class C.

Permitted development

Dormer – 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: *The dwellinghouse was not granted permission by 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 roof addition would exceed 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: *The works would not extend beyond the plane of the existing dwellinghouse of any roof slope which forms the principal elevation of the dwellinghouse 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 cubic content of resulting roof space 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 plans demonstrate that large openings would be located within the dormer which would contain glass balustrade. However these are not considered to be a verandah, balcony or raised platform and would be classed as a 'Juliet' balcony. The Permitted Development rights for Householders Technical Guidance states that a 'Juliet' balcony, where there is no platform and therefore no external access, would normally be permitted development.*

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

Comment: *The dwellinghouse 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 dwellinghouse has not been enlarged by virtue of a Class AA permission.*

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.

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 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 alteration would not protrude more than 0.15 metres beyond the plane of the original roof slope.*

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

Comment: *The alteration would not result in part of the alteration being 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.*

Alterations

Class A is relevant principally to enlargements to the dwellinghouse (other than enlargements to the roof) which are not proposed on this application. The alterations do however, comply with the limitations of Class A that are not

relevant to enlargements in so far as the alterations do not raise the height of the eaves or ridge and do not consist of alterations to the roof or chimney nor do they create a balcony or raised platform.

Chimney

Class G provides for the alteration, installation or replacement of a chimney. The removal of the chimney stack as an alteration to the chimney complies with the limitations within Class G.

Conclusion

The proposed enlargement to the roof 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, 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:

Officer Recommendation: Grant certificate

The proposed rear dormer extension, roof lights and alterations as shown on the submitted plans listed in this decision notice benefit from general planning permission granted by virtue of Article 3(1) and Schedule 2, Part 1 (Development within the curtilage of a dwelling house), Classes A, B, C and G of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) subject to conditions stated in paragraphs A.3, B.2 and C.2 of the same Order.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location plan, block plan, existing elevations and floor plans	25-011-01-A		7 th July 2025

Report Dated:

13 th August 2025
