

**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/91921/W

Site: 8, Broadgate Crescent, Almondbury, Huddersfield,
HD5 8HT

Description: Certificate of lawfulness for proposed erection of
side dormers and installation of windows

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 10-Sep-2025

Officer Report

[Weblink](#)

Site Description

8 Broadgate Crescent is a detached bungalow which is gable fronted and located within an area of unallocated land within the Kirklees Local Plan. The property is finished with a white coloured smooth render and has a concrete tiled roof. To the front of the property is a small lawned area and a driveway which leads to a detached garage and to the rear is a lawned garden.

Surrounding properties are mainly detached and semi-detached dwellings of varying design and construction materials.

Description of Proposal

Permission is sought for a Certificate of Lawfulness for the erection of a side dormer extensions and the installation of windows.

Windows

Two additional windows are proposed in total. One opening would be within the front elevation and one opening within the rear elevation. The opening would be located within the roof space and would be smaller in dimensions to the existing openings.

Dormer extensions

Two dormer extensions are proposed, one in each side elevation roof slope.

The dormer proposed within the west facing roof slope would be set back from the existing eaves by approximately 4.7 metres and set down from the roof ridge by approximately 0.3 metres. The dormer would project from the roof slope by 2.3 metres, with a height of 2.3 metres and a length of 7.735 metres. The total cubic volume increase from this dormer would be 20.5 cubic metres.

The dormer proposed within the east facing dormer would be set back from the existing eaves by approximately 3.3 metres and set down from the roof ridge by approximately 0.3 metres. The dormer would project from the roof slope by 3.3 metres with a height of 3.3 and 3.3 metres (2 no. separate sections) and a length of 6.4 metres. The total cubic volume increase from this dormer would be 25.9 cubic metres.

The total volume increase from the combination of the 2 no. dormers would be 46.4 cubic metres.

It is proposed that the dormers would host openings within the front and rear elevations with no openings within the side elevations.

The proposed construction materials would be finished with a dark cladding to match the existing roof.

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 applicant has stated on the application form that the proposal is within the parameters of being lawful under Permitted Development Classes A (windows) and B (dormers).

History of negotiations/amendments received

Clarification was sought with regards to the proposed dimensions of the dormer openings as these appeared, when combined, to exceed the parameters of volume increase allowed by exercising permitted development rights. The Agent was contacted and revised plans were received with annotated drawings showing the dimensions of the drawings. These were received by the LPA on 21st August 2025 and form this assessment.

Relevant Planning History

1990/03056 Erection of single storey extension to form bathroom and hallway
Conditional Full Permission

1997/91397 Erection of extension to existing garage
Conditional Full Permission

1997/92622 Erection of single detached garage
Conditional Full Permission

Consultation Responses

None required

Issues and 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; 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 dwellinghouse), Class A (enlargement, improvement or alteration of a dwellinghouse) and Class

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

Section 55 of the Town and Country Planning Act 1990 states that '*The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land –*

a) *The carrying out for the maintenance, improvement or alteration of any building or works which –*

- i) *affect only the interior of the building. or*
- i) *do not materially affect the external appearance of the building,*

and are not for works for making good war damage or works begun after 5th December 1968 for the alteration of a building by providing additional space in it underground.

The works to form an additional window opening within both the front and rear elevations of the property would affect the external appearance to a certain degree. The works to form the front elevation opening would be visible from the roadside (Broadgate Crescent) however the works within the rear elevation having limited visibility from public vantage points. The proposed openings would be smaller than those evident on the existing dwelling. It is considered that in this instance, it can be reasonably considered that to add an additional opening within both the front and rear elevations, whilst visibly smaller than the existing openings does materially impact the external appearance of the dwelling and is therefore considered to be development as defined by Section 55 of the Town and Country Planning Act 1990.

As such, permitted development rights under Class A may then apply. Class A of Part 1 permits the enlargement, improvement or other alterations of a dwellinghouse subject to relevant limitations. Some sub-paragraphs in this instance are not relevant as they relate solely to enlargements of a dwellinghouse.

Permitted development

Class A – The enlargement, improvement or other alteration of a dwellinghouse.

Window openings

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 for the dwelling as not granted by any of the above.*

- 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: *The proposed works would not affect the area of ground covered by buildings.*

- 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 building would not be affected by the installation of the windows.*

- 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 would not be altered as a result of the works.*

- 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 creation of the window openings would not relate to an enlargement of the 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 3 metres in the case of any other dwellinghouse.
 - (i) Exceed 4 metres in height;

Comment: *The creation of the window openings would not relate to an enlargement of the dwellinghouse.*

f) 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 creation of the window openings would not relate to an enlargement of the dwellinghouse.*

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 creation of the window openings would not relate to an enlargement of the dwellinghouse.*

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 creation of the window openings would not relate to an enlargement of the dwellinghouse.*

i) 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
- (i) Have more than a single storey, or
- (ii) Have a width greater than half the width of the original dwellinghouse

Comment: *The creation of the window openings would not relate to an enlargement of the 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 creation of the window openings would not relate to an enlargement of the dwellinghouse.*

- j) 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: *None of the above form part of the application.*

- k) The dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)

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

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 dwellinghouse is not built on article 2(3) land however none of the above apply.*

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 Governments Technical Guidance states that it is important that replacement windows give a similar visual appearance to those in the existing house, for example in terms of their overall shape, and the colour and size of the frames. Whilst, the proposed window would be smaller than those within the existing dwellinghouse, the overall shape and visual appearance would be considered as 'similar' in appearance.*

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

Dormer extension

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 was not granted 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: *None the above works are proposed.*

(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 via 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.

Conclusion:

The proposal has been considered against the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and is recommended for approval.

The installation of windows and dormer extensions benefit from a general planning permission granted by virtue of Article 3(1) and Schedule 2, Part 1, Classes A and B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) subject to conditions within paragraphs A.3 and B.2 of the same Order.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	2025137-LOC		22 nd July 2025
Existing site plan, elevations and floor plans	2025137-101- P0		22 nd July 2025
Proposed site plan, elevations and floor plans	2025137-102-P1		21 st August 2025

Dated: 21st August 2025