

**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/92293/E

Site: 9, Rock Terrace, Quarry Lane, Woodkirk,
Dewsbury, WF12 7JF

Description: Certificate of lawfulness for proposed loft
conversion and erection of dormer and porch with associated alterations

Case Officer: Laura Yeadon

**Decision Reference: PROPOSED OPERATIONS GRANTED /
REFUSED**

**I hereby authorise the split decision 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 21-Oct-2025

[Weblink](#)

Site Description

9 Rock Terrace is a mid-terraced, two storey dwelling located within the Green Belt as defined within the Kirklees Local Plan. The property is constructed from stone with a small amount of amenity space to the front of the property with a larger garden to the rear. Surrounding development is predominantly residential in nature.

Application Proposal

The application is for a certificate of proposed lawful development for a loft conversion, erection of a dormer and porch with a roof light within the front elevation of the property.

Dormer extension

A dormer is proposed on the rear (south facing) roof slope, set back from the existing eaves by approximately 0.4 metres being a width of 4.58 metres. The dormer would project 4.1 metres from the roof ridge and would be a total height of 2.08 metres. The total cubic volume increase would be approximately 19.5 cm³.

Roof light

1 no. rooflight is proposed within the front elevation roof slope. The submitted plans do not indicate that the roof light would project from the existing roof slope and would be set down from the existing roof ridge by approximately 0.65 metres and up from the gutter line by approximately 0.7 metres.

Porch

It is proposed that that a porch is constructed on the front elevation of the property. The porch would have a footprint of 1.3 metres by 1.96 metres with an overall height of 3 metres to the top of the flat roof.

Officer note

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 is accompanied by existing and proposed plans along with an application form.

Relevant Planning History

None

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:
2. If so, whether permitted development rights apply to the property; and
3. 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, porch 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), Class B, Class C and Class D.

Permitted development

Dormer – Class B – additions etc to the roof of a dwellinghouse (dormer extension)

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 was not granted by any of the above.*

- (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 roof addition, as a result of the works, 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: *The works would not extend beyond a plane of the existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway.*

- (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 metres in the case of a terrace house, or
- (ii) 50 cubic metres in any other case

Comment: *The cubic content of resulting roof space 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: *None of the above are evident on the submitted plans.*

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

Comment: *The dwelling 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 was not built under Part 20 of the 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 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;
- (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 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
 - (iii) 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 metres above the floor of the room in which the window is installed.

Class C - other alterations to the roof of a dwellinghouse (roof light)

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.*

- 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;

Comment: *The alteration would not protrude more than 1.5 metres beyond the plane of the original roof slope.*

- c) 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 the part of alteration being higher than the highest part of the original roof.*

- 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

Comment: *None of the above are proposed on the submitted plans.*

- 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.*

Conditions

C.2 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.

Class D – porches

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 was not granted for the use of the dwellinghouse as a dwellinghouse by any of the above Classes.*

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

Comment: *The external ground area would not exceed 3 square metres.*

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

Comment: *The structure would be no more than 3 metres above ground level.*

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

Comment: *Quarry Lane is located within the administrative jurisdiction of Leeds City Council. Upon search of their online records it is confirmed that Quarry Lane is a private street from the western boundary of 3 Rock Terrace thus private immediately to the frontage of 9 Rock Terrace. Notwithstanding this, paragraph 1 of Part 1 confirms a highway for the purposes of part 1 includes a private way. The structure would therefore be within 2 metres of the boundary of the curtilage of the dwellinghouse with a highway.*

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

Comment: *The dwelling was not built under Part 20 of this Schedule.*

Conclusion

The proposed enlargement to the roof, roof light and porch 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 C and it has been deemed that the dormer extension and roof light are permitted development. As a result, they do not require planning permission, and the lawful development certificate is therefore approved.

The proposed porch has been assessed against the relevant legislation, Town and Country Planning (General Permitted Development) (England) Order 2015(as amended), Schedule 2 Part 1, Class D and it has been deemed that the porch is contrary to D.1(d) and therefore does not benefit from permitted development rights and would require planning permission.

Section 193(4) of the Town and Country Planning Act allows for the Local Planning Authority to issue a decision:

a) for the whole part of the land specified in the application; and
a) where the application specifies two or more uses, operations or other matters, for all of them or some one or more of them:
and shall be in such form as may be prescribed by a development order.

As such, the proposed dormer extension and roof light are recommended for approval and the proposed porch is recommended for refusal.

Recommendation: Grant/Refuse certificate

Decision Authorisation - Delegated Powers

Application Number: 2025/92293

Officer Recommendation: Split decision

The proposed rear dormer extension and front elevation roof light as shown on the submitted plans listed in this decision notice benefits from a general planning permission granted by virtue of Article 3(1) and 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 paragraph B.2 and C.2 of the same Order.

The proposed porch as shown on the submitted plans listed in this decision notice does not benefit from a general planning permission granted under Schedule 2, Part 1 (Development within the curtilage of a dwelling house), Class D of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) as the proposal would be contrary to sub-paragraph D.1(d).

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location plan			26 th August 2025
Existing elevations and floor plans	J43-93 – 001		26 th August 2025
Proposed elevations and floor plans	J43-93 – 002		26 th August 2025
Proposed section	J43-93 – 003		26 th August 2025

Report Dated:

1 st October 2025
