

**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/92339/E

Site: 15, Redfearn Avenue, Heckmondwike, WF16 9PY

Description: Certificate of lawfulness for proposed loft
conversion with rear dormer

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 22-Oct-2025

[Weblink](#)

Site Description

15 Redfearn Avenue is a semi-detached property located within an area without notation within the Kirklees Local Plan. The property has previously been extended to the side and is constructed from red brick with a concrete tiled roof. Amenity space for the property is to the front, side and rear.

Application Proposal

The application is for a certificate of proposed lawful development for the erection of a rear dormer. The submitted plans also indicate that 2 no. rooflights would be inserted within the front elevation roof slope.

Dormer

A dormer is proposed on the rear elevation of the property, within the original building, set back from the existing eaves by approximately 0.4 metres being a width of 5.7 metres. The dormer would project 2.8 metres from the roof ridge and would be a total height of 2.2 metres. The total cubic volume increase would be approximately 17.5m³.

Roof lights

2 no. roof lights are proposed within the front elevation roof slope which are not shown on plan as projecting above the existing roof slope and would be set down from the roof ridge by 0.5 metres.

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.

Relevant Planning History

1996/91523 Erection of 2-storey extension
Conditional Full Permission

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), Classes B (additions etc to the roof of a dwellinghouse) & C (other alterations to the roof of a dwellinghouse).

The proposal comprises of a rear dormer 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 & 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: *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:

- (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 roof addition would exceed the highest part of the existing roof.*

- (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 includes any previous enlargement to the roof space of the original dwellinghouse. This will include the roof space atop the two storey enlargement which is attached to the original roof space. Combined the resultant roof space would not exceed 50 cubic metres (17.5 +16.5 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 of the above are proposed.*

- (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 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;

Comment: *The submitted plans indicate that the dormer would be tiled to match the existing.*

- (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

Comment: *The edge of the enlargement closest to the eaves of the original roof is not less than 0.2 metres from the eaves.*

- (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: *Not applicable*

Roof lights – Class C

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: *Not applicable*

- 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.*

Conclusion

The proposed dormer extension and roof lights benefit from a general planning permission granted by virtue of Article 3(1) and Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) subject to conditions as stated in paragraphs B.2 and C.2 of the same Order.

Recommendation: Grant certificate

Decision Authorisation - Delegated Powers

Application Number: 2025/92339

Officer Recommendation: Grant certificate

The proposed dormer extension and roof lights benefit from a general planning permission granted by virtue of Article 3(1) and Schedule 2, Part 1, Classes B

and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) subject to conditions as stated in paragraphs B.2 and C.2 of the same Order.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location plan	PP-14267629v1		20 th August 2025
Existing and proposed elevations and floor plans	25128-1		20 th August 2025

Report Dated: 10th September 2025