

**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/92360/W

Site: 62, Rawthorpe Lane, Dalton, Huddersfield, HD5
9NU

Description: Certificate of lawfulness for proposed loft
conversion with rooflights to rear elevation and associated alterations

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 23-Oct-2025

Officer Report

[Weblink](#)

Site Description

62 Rawthorpe Lane is detached, two storey dwelling located within an area without notation on the Kirklees Local Plan. The property is constructed from stone with a tiled roof. To the front of the property is an enclosed hard standing area and to the side is a detached garage. To the rear of the property is amenity space in the form of a lawned garden. A single storey conservatory is located on the rear elevation of the property.

Surrounding development is predominantly residential.

Description of Proposal

Permission is sought for the installation of roof lights within the existing roof slope. The rooflights would be installed into the rear roof slope with a total of 4 no rooflights proposed.

Officer note

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 has falls under permitted development guidelines.

History of negotiations/amendments received

No negotiations have taken place and no amended plans have been received.

Relevant Planning History

No history

Consultation Responses

None required as the application is for a Certificate of Lawful Development.

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;
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 C (other alterations to the roof of a dwellinghouse).

Whilst the proposed roof lights would be within the rear elevation roof slope which would not face the public highway, 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 C (other alterations to the roof of a dwellinghouse).

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

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 plans indicate that the alterations would protrude no more than 0.15 metres beyond the plane of the 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 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

(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.

Comment: *No openings are proposed within the roof slope forming a side elevation of the dwellinghouse.*

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 proposed rear elevation roof lights as shown on the submitted plans listed in this decision notice benefits from general planning permission granted by virtue of Article 3(1) and Schedule 2, Part 1, Class C of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) subject to conditions stated in paragraph 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	HD-0351 – 001 – Rev: A		22 nd August 2025
Proposed block plan, elevations, floor plans and sections	HD-0351 – 002 – Rev: A		22 nd August 2025

Dated: 1st October 2025