

**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/92585/W

Site: 45, Birkby Lodge Road, Birkby, Huddersfield, HD2
2BE

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 04-Nov-2025

[Weblink](#)

Site Description

45 Birkby Lodge Road is a two storey, mid terraced dwelling constructed from natural stone with a tiled roof. There is a small amenity space to the front of the property with a larger garden area to the rear. On the rear elevation is a single storey, part-width projection which forms part of the design of the terraced row.

Application Proposal

The application is for a certificate of proposed lawful development for the erection of a rear dormer.

A dormer is proposed on the rear elevation, set back from the existing eaves by approximately 0.4 being a width of 6.45 metres. The dormer would project 3.65 metres from the roof ridge and would be a total height of 2.78 metres. The total cubic volume increase would be approximately 33 cm³.

The dormer would have 2 no. rear elevation (south facing) windows and is proposed to be finished in hung tiles for the face and cheeks with a GRP/rubber flat roof.

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 for states that the proposal would not exceed 40m³ with matching materials and set back from the roof eaves by more than 0.2m therefore according with Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Relevant Planning History

2023/90976 Demolition of existing garage and erection of replacement garage and single storey rear extension with alterations
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), Class B (additions etc to the roof of a dwellinghouse).

The proposal comprises of a rear dormer. 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.

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: *No part of the development would exceed the height of 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: *No part of the dwellinghouse would, as a result of the works, extend beyond an existing roof slope which forms the principal elevation.*

- (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 the resulting roof space would not exceed 40 cubic metres. The propose additional volume is within this limit.*

- (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 existing dwellinghouse has not been enlarged via 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.

Conclusion

The proposed enlargement to the roof has 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 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: 2025/92585

Officer Recommendation: Grant certificate

The proposed rear dormer extension as shown on the submitted plans listed in this decision notice benefits from general planning permission granted under Schedule 2, Part 1 (Development within the curtilage of a dwelling house), Class B of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) subject to conditions stated in paragraph B.2 of the same Order.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location plan	PP-14331892v1		15 th September 2025
Existing elevations, floor plans and section	2402 - A(00)-01		15 th September 2025
Proposed elevations, floor plans and section	2403 - A(10)-01		15 th September 2025

Report Dated 29th October 2025