

**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/93496/W
Site: 86, Fixby Road, Fixby, Huddersfield, HD2 2JF
Description: Certificate of lawfulness for proposed rear dormer
Case Officer: Laura Yeadon

Decision Reference: CERTIFICATE OF LAWFUL OPERATIONS REFUSED

I hereby authorise the refusal of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

John Holmes

AUTHORISED OFFICER

Date 02-Mar-2026

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Site Description

86 Fixby Road is a large detached bungalow located within a modest sized plot with the dwelling spanning the full width. There is hardstanding to the front of the dwelling leading to a double integral garage and to the rear is a lawned garden.

Surrounding properties are both detached and semi-detached and vary on terms of style and design.

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 1.3 metres being a width of 11.2 metres. The dormer would project approximately 1.9 metres from the roof ridge and would be a total height of 2 metres. The total cubic volume increase would be approximately 19.75 m³ although the information within the Supporting Statement cites this as being 25.63m³.

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 is Permitted Development within Schedule 2, Part 1 of the GPDO Class B.

It is important to note that the application site has benefited from previous planning application approvals which include extensions to the roof form of the original building.

Relevant Planning History

2003/91005 Erection of single storey extension
Conditional Full Permission

2006/94596 Erection of ground floor extension and garage extension
Conditional Full Permission

2008/92561 Erection of extensions and dormer bedrooms
Conditional Full Permission

2024/91759 Erection of extensions and alterations to existing dwelling, external works to form a raised patio and raise driveway levels and provision of external wall insulation

Conditional Full Permission

2025/91336 Non material amendment to previous permission 2024/91759 for erection of extensions and alterations to existing dwelling, external works to form a raised patio and raise driveway levels and provision of external wall insulation
Under consideration – not yet determined

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(2)(a)(ii) 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. 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(2)(a)(ii) 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.*

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

- (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

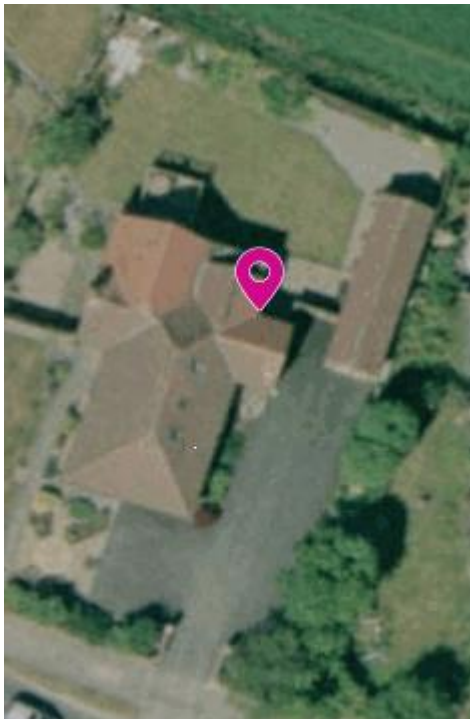
Comment: *The calculations submitted by the Agent cite that the total roof additions including those within the approved 2024/91759 application equates to 49.25 cubic metres thereby according with this part of the GPDO. However, this calculation does not take into account the addition of the roof form of the single storey rear extension under the same approved planning application (albeit reduced in size as part of the Non Material Amendment application which is currently under consideration). This proposal attaches to the existing roof form and adds further volume to the roof form which would increase the cumulative roof form from the 2024 application to over 50m³. That being said, it is unclear as to whether or not the above aforementioned permission has been implement, completed and habitable.*

In addition, previous extensions to the original property have extended the roof form which can be seen from historical aerial imagery, detailed as follows:

2002:



2006:



2009:



As can be seen from the above aerial images, the roof form of the building has been extended in excess of 50cm³ from the original property and therefore the application fails to meet this criteria.

(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 proposed.*

(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 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;
- (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.

B.3 For the purposes of Class B, “resulting roof space” means the roof space as enlarged, taking into account any enlargement to the original roof space, whether permitted by this Class or not.

Comment: *The submitted plans indicate matching materials, which would accord with condition (a).*

Conclusion

The proposed enlargement to the roof has been assessed against the relevant legislation, and Country Planning (General Permitted Development)(England) Order 2015(as amended), Schedule 2 Part 1, Class B

and it has not been deemed permitted development. As a result, the works would require planning permission and the lawful development certificate is therefore recommended to be refused.

Recommendation: Refused certificate

Decision Authorisation - Delegated Powers

Application Number: 2025/93496

Officer Recommendation: Grant certificate

The proposed rear dormer extension as shown on the submitted plans listed in this decision notice does not benefit from a general planning permission granted under Article 3(1) and 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) as the proposal exceeds the resultant roof space limitation as set out in subparagraph B.1(d) and B.3 of Class B.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location plan	1001-01		18 th December 2025
Existing first floor plan	1001-03		18 th December 2025
Existing elevations	1001-04		18 th December 2025
Proposed site/block plan	1001-21 F		18 th December 2025
Proposed first floor plan	1001-23 E		18 th December 2025
Proposed elevations	1001-24 E		18 th December 2025
Planning Statement	HPS9225		18 th December 2025
Application Form			18 th December 2025