

**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.: 2026/CL/90802/E

Site: 9, Church Lane, Mirfield, WF14 9HU

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

Case Officer: Laura Yeadon

**Decision Reference: Certificate GRANTED**

**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.**

Lee Stoney

**AUTHORISED OFFICER**

**Date 29-May-2026**

[Weblink](#)

## **Site Description**

9 Church Lane, Mirfield is a two-storey semi-detached property located within an area without notation on the Kirklees Local Plan. The property is constructed from brick and hosts gardens to the front and rear. There is a driveway to the side leading to a detached garage. Tree Preservation Orders are in place within the front garden of the property.

## **Application Proposal**

The application is for a certificate of proposed lawful development for the erection of a hip to gable roof extension, the erection of a rear dormer and roof lights within the front elevation roof slope.

The hip to gable roof form would have the following dimensions and resultant roof space: Length – 4.3m

Depth – 8.5m

Height – 3.5m

Total resultant roof space –  $4.3 \times 8.5 \times 3.5 / 6 = 21.3\text{m}^3$

The dormer would have the following dimensions:

Length – 5.7m

Depth – 3.4m

Height – 2.5m

Total resultant roof space –  $5.7 \times 3.4 \times 2.5 / 2 = 23 \text{ m}^3$

3 no. roof lights are proposed within the front elevation roof slope.

## **Officer Note**

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 form states that the proposal conforms with the rules.

## **Relevant Planning History**

2016/90230 – Work to TPO(s) 21/85 – part granted/part refused

2020/92591 – Larger home extension (prior notification) – granted

2021/93296 – Certificate of lawfulness for proposed rear dormers and hip to gable extension – granted

2026/90169 – Certificate of lawfulness for proposed gable roof extension and rear dormer extension – refused

## **Consultations**

Mirfield Town Council – no response to date

## **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:
  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 hip to gable roof enlargement and a rear dormer in addition to roof lights within the front elevation roof slope. 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 and Class C.

## **Permitted development**

### **Class B – Hip to gable roof enlargement and dormer**

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 for this dwelling was not granted by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use).*

- (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 enlargement 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 enlargement would extend beyond the plane of the existing roof slope visible from 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 proposed resultant roof space would not exceed 50 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 has not been 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 via 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.

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

Roof lights

### **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:** *The dwellinghouse was not granted permission 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 submitted plans do not indicate that the alterations would 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:** *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.

### **Conclusion**

The proposed hip to gable roof alteration, rear dormer and front elevation roof lights 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 Class C 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

The proposed hip to gable roof alteration, rear dormer and front elevation roof lights as shown on the submitted plans listed in this decision notice benefit from general planning permission granted under 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.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Application form	PP-14801538		25 <sup>th</sup> March 2026
Location plan	M4632/01/001 – Rev: A		25 <sup>th</sup> March 2026
Existing part site plan	M4632/01/101 – Rev: A		25 <sup>th</sup> March 2026
Existing ground floor plan	M4632/01/102 – Rev: A		25 <sup>th</sup> March 2026
Existing first floor plan	M4632/01/103 – Rev: A		25 <sup>th</sup> March 2026
Existing roof plan	M4632/01/104 – Rev: A		25 <sup>th</sup> March 2026
Existing elevations	M4632/01/201 – Rev: A		25 <sup>th</sup> March 2026
Existing section A-A	M4632/01/301 – Rev: A		25 <sup>th</sup> March 2026
Existing garage elevations	M4632/01/201 – Rev: A		25 <sup>th</sup> March 2026
Proposed part site plan	M4632/04/101 – Rev: A		25 <sup>th</sup> March 2026
Proposed ground floor plan	M4632/04/102 – Rev: A		25 <sup>th</sup> March 2026
Proposed first floor plan	M4632/04/103 – Rev: A		25 <sup>th</sup> March 2026
Proposed second floor plan	M4632/04/104 – Rev: A		25 <sup>th</sup> March 2026
Proposed front elevation	M4632/04/201 – Rev: A		25 <sup>th</sup> March 2026
Proposed side elevation	M4632/04/202 – Rev: A		25 <sup>th</sup> March 2026
Proposed side elevation	M4632/04/204 – Rev: A		25 <sup>th</sup> March 2026
Proposed rear elevation	M4632/04/203 – Rev: A		25 <sup>th</sup> March 2026
Proposed section C-C	M4632/04/302 – Rev: A		25 <sup>th</sup> March 2026
Proposed section B-B	M4632/04/301 – Rev: A		25 <sup>th</sup> March 2026
Proposed roof volume	M4632/04/303 – Rev: A		25 <sup>th</sup> March 2026

Report Dated: 19<sup>th</sup> May 2026

