# 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/91147/W |
| Site: | 111, New Road, Kirkheaton, Huddersfield, HD5 0JA |
| Description: | Certificate of lawfulness for proposed erection of rear dormer |
| Case Officer**:** | Laura Yeadon |

**Decision Reference: LAWFUL OPERATIONS 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.**

John Holmes

**AUTHORISED OFFICER**

**Date 19-Jun-2026**

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## Site Description

111 New Road is a semi-detached bungalow located on land without notation on the Kirklees Local Plan. The property is constructed from stone, brick and render with a concrete tiled roof. The property hosts garden areas to the front and rear with a driveway to the side and hosts a dormer feature within the front elevation and a single storey extension to the rear of the property.

## 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 0.3 metres being a width of 5.5 metres. The dormer would project 3 metres and would be a total height of 2.4 metres. The total cubic volume increase would be approximately 19.8 $m^3$.

The property hosts a front dormer extension however it is not known as to whether this is an 'original' feature to the property. Taking this dormer into consideration, the dormer is 6.7 metres in width, 2 metres in height with a projection of 2.5 metres from the roof slope. The volume of this structure is approximately 16.75 $m^3$.

Therefore, taking both the front and rear dormers into consideration, the total volume increase to the roof would be approximately 36.55 $m^3$.

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 relates to…

*'Part 1, Class B and Class C of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (GPDO), as amended, outlines the parameters within which a proposed development within the curtilage of the dwellinghouse can be considered to be permitted development. The Schedule Referring to Part 1 Class B of the Town and Country Planning (General Permitted Development) Order 2015, 1. The volume of the dormer when measured externally does not exceed 50 cubic metres; 2. Similar materials and appearance to the existing dwelling are to be incorporated; 4. Permitted development rights have not been removed for this site; 5. The site is not listed, nor located within the Conservation Area; 6. The dormer will not be sited within 20cm of the eaves of the dwelling 7. No balcony or verandah is to be incorporated. 8. There are no new windows to the side elevation.'*

## Consultations

As this is an application for a Lawful Development Certificate 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)

## Relevant Planning History:

None

## 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 has not been 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 works 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 works would extend beyond a plane of the existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway.*

(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
(i) 50 cubic metres in any other case

***Comment:*** *As a semi-detached property, the maximum additional roof volume permitted is 50 cubic metres. As it is not known as to whether or not the front elevation dormer is an 'original' structure, for the benefit of doubt, the calculation of the front elevation dormer is taken into consideration as part of this assessment. Taking both the front and rear elevation dormers into account, the works would not exceed 50 cubic metres. The proposal therefore meets this requirement.*

(e) 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.*

(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 dwelling 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 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;

(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

(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 aby 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.

It is noted that the submitted plans are annotated to state *'Materials used for facing the dormer will appear to be of similar colour and design to the materials used in the main roof of the house'* which would be in accordance with condition B.2(a). It is concluded that adherence to the conditions would be possible and as it is a requirement this would be drawn to the applicants attention in any approval.

**Conclusion**

The proposed enlargement to the roof has been assessed against the relevant legislation, this being the 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, the development proposal benefits from a general planning permission granted in law and the lawful development certificate is therefore recommended to be approved.

**Recommendation: Grant certificate**

**Decision Authorisation - Delegated Powers**

**Application Number**: 2026/91147

**Officer Recommendation**: **LAWFUL OPERATIONS GRANTED**

The proposed rear dormer extension as shown on the submitted plans benefits from general planning permission granted by virtue of 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) subject to conditions stated in paragraph B.2 of the same Order.

Plans and specifications schedule:

| Plan Type | Reference | Version | Date Received |
|---|---|---|---|
| Application form | PP-14631212 | | 24th April 2026 |
| Location plan | 2625-D-20-001 | | 24th April 2026 |
| Existing and proposed site plans | 2625-D-20-002 | | 24th April 2026 |
| Existing and proposed first floor plans | 2625-D-20-003 | | 24th April 2026 |
| Existing and proposed elevations | 2625-D-20-004 | | 24th April 2026 |
| Climate Change Statement | 2625 | | 24th April 2026 |