

**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/91427/W

Site: 14, Lincroft Avenue, Dalton, Huddersfield, HD5
8DS

Description: Certificate of lawfulness for proposed installation of
velux windows to front and rear with rear dormer and associated alterations

Case Officer: Laura Yeadon

Decision Reference: LAWFUL OPERATIONS SPLIT DECISION

**I hereby authorise the part approval and part 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 22-Jul-2026

[Weblink](#)

Site Description

14 Lincroft Avenue is a semi-detached bungalow located within an area without notation on the Kirklees Local Plan. The property is finished in brick and render with a tiled roof and position within a corner plot with Lincroft Avenue and Earles Avenue. To the front is an area of hardstanding and to the rear is a garden area. The property was granted planning permission under reference number 2024/90450 for the demolition of existing single storey rear extension and erection of single storey side and rear extension which has been constructed. A dormer extension has also been constructed which is subject to this application.

Application Proposal

The application is for a certificate of proposed lawful development for the proposed installation of velux windows to the front and rear elevation roof slopes of the side extension with rear dormer and associated alterations.

It is noted that the works subject to this application have been constructed and therefore the description of development are more akin to existing works rather than proposed.

The dormer is on rear elevation, set back from the existing eaves by approximately 0.2 metres being a width of 8.4 metres. The dormer would project 3.55 metres from the roof ridge and would be a total height of 2 metres. The total cubic volume increase would be approximately 29.8cm³.

The velux roof lights would be located within the front and rear elevations of the side extension.

The property has not had its permitted development rights removed.

It is important to note that the application site has benefited from previous planning application approval which includes an extension to the roof form of the original building.

The submitted plans are annotated with the cubic volume of the side extension roof form. However, only half of the roof volume has been calculated and not the full roof volume. It appears that the space that has been calculated only factors in the accommodation within the roof space and not the total roof increase.

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 proposed addition of velux windows to the extension roof and the rear dormer would create 42m³ of additional space which the applicant considers to be under the 50m³ allowed for permitted development.

Relevant Planning History

2023/93228 – Certificate of lawfulness for proposed erection of single storey side extension and rear dormer – refused for the following reason:

The proposed single storey side extension at 14 Lincroft Avenue does not benefit from a general planning permission under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as the proposed side enlargement extends beyond a wall which fronts a highway and forms a side elevation of the original dwellinghouse contrary to sub-paragraph (e) of Class A.

2024/90069 – Prior notification for larger home extension – Refused for the following reasons:

The proposed enlargement does not benefit from a general planning permission under Article 3(1) and Class A, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as the rear projection also extends beyond a side wall of the original dwellinghouse and has a width greater than half the width of the original dwellinghouse contrary to sub-paragraph (j) of Class A.

2024/90450 – Erection of single storey side and rear extensions – Conditional Full Permission

2025/92396 – Erection of detached dormer bungalow – Refused

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 and velux roof lights. 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), Classes B and C.

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 detail contained within the application submission include the rear dormer and half of the roof form of the side extension where the accommodation is situated, which equates to approximately 43 square metres. The requirement of this paragraph is the resulting roof space and therefore the entire roof form of the side extension should be considered as part of the calculation. The dimensions of the side extension roof are 3m x 7.5m x 2m /2 which equate to 22.5m³. Therefore, when calculated with the dormer which has an increase of 29.82m³ the total increase in roof volume is over the 50m³ prescribed.*

- (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 demonstrated on plan.*

- (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.

Interpretation of Class B

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.

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 lass 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) 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 details do not indicate that the roof lights protrude more than 0.15 metres beyond the roof plane*

- c) it would result in the highest part of the alteration being higher than the highest part of the original roof;

Comment: *The height of the rooflights would not be higher than the highest part of the original roof.*

- d) it would consist of or include-
 - (i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
 - (ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment; or

Comment: *None of the above are proposed.*

- e) 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 proposal has been considered against the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and is recommended for approval of the roof lights and refusal for the dormer.

Section 193(4) of the Town and Country Planning Act allows for the Local Planning Authority to issue a decision:

- a) for the whole part of the land specified in the application; and
 - b) where the application specifies two or more uses, operations or other matters, for all of them or some one or more of them:
- and shall be in such form as may be prescribed by a development order.

As such:

The enlargement to the roof (dormer) 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 not been deemed permitted development. This is due to the cumulative volume of the dormer and the side extension roof resulting in more than 50m³ of roof space being created.

The velux roof lights do 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 C of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) subject to the conditions of C,2 of the same Order.

Recommendation: Split decision

Decision Authorisation - Delegated Powers

Application Number: 2026/91427

The 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.

The velux roof lights do 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 C of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) subject to the conditions of C,2 of the same Order.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location plan	100047474		1 June 2026
First floor plan and section A-A	2023/434/05		1 June 2026
Front and rear elevations	2023/434/02		1 June 2026
Side elevations	2023/434/03		1 June 2026

Report Dated: 21st July 2026

