

**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/92091/W

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

Description: Certificate of lawfulness for existing dormer
window to rear

Case Officer: Laura Yeadon

Decision Reference: GRANT CERTIFICATE OF LAWFUL OPPS

**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.**

Sarah Longbottom

AUTHORISED OFFICER

Date 24-Sep-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 and was the subject of a previous application under reference 2026/91427.

Application Proposal

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

The dormer has been constructed and on rear elevation of the property set back from the existing eaves by 0.2 metres. It has a width of 8 metres, projection of 3.5 metre with a height of 1.95 metres. The total cubic volume increase from the dormer would be 27.3 cubic metres. A previous application for the dormer was refused due to not meeting the criteria set out within the regulations in terms of volume increase to the property. On the basis of a survey being undertaken to ascertain the exact measurements of the dormer extension, this application has been submitted.

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. The plans state that the dimensions of the roof form are 7.4 metres x 2 metres x 3 metres. This would give a total roof volume for the side extension roof form as 22.2 cubic metres.

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 within the parameters of being lawful under permitted development rights for dwellinghouses.

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 reason:

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

2026/91427 – Certificate of Lawfulness for proposed installation of velux windows to front and rear with rear dormer and proposed alterations – Split Decision – Velux windows approved with dormer extension refused for the following reason:

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.

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:
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(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.*

- (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 details contained within the submission include annotations on plan of the roof form of the side extension which is also additional roof space to be calculated as additional roof space. 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 27.3m³, this equates to 49.5m³ which is under the 50m³ threshold.*

- (d) it would consist of or include –

- (i) the construction or provision of a veranda, 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 demonstrated on plan.*

- (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.

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.

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: 2036/92091

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
Application form			30 July 2026
Location plan	100047474		30 July 2026
Existing side elevations	2026/530/03		30 July 2026
Existing front and rear elevations	2026/530/02		30 July 2026

Report Dated: 22nd September 2026