

Officer Report

Case Reference: PL/2026/0138
Location: 4 SMITHY GREEN, HUDDERSFIELD ROAD, MILNROW,
NEWHEY, OL16 3TG
Proposal: Application for a certificate of lawfulness for a proposed rear
dormer loft conversion and installation of roof lights on front
elevation
Recommendation: Permitted Development
Officer: Bob Melling

Location

This application relates to no. 4 Smithy Green, a two-storey terraced house located off Huddersfield Road to the east of Newhey. The application property adjoins nos. 3 (north) and 5 (south).

Description of Proposal

A certificate of lawfulness is sought for a rear dormer and two roof lights to the front roof slope.

Publicity

In accordance with the Council's code for publicity for this type of application, no letters of notification have been issued.

Legislation and Guidance

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Permitted development rights for householders – Technical Guidance (September 2019).

PD Rights Removed?

No

Consideration of the following conditions listed in the GPDO 2015

Assessment (Class B)

Class B of Part 1 of the Schedule to the GPDO allows for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof subject to it not being contrary to any of the following criteria:

(a) Permission to use the dwellinghouse as a dwelling has not been granted only by virtue of Class M, N,P, PA or Q of Part 3 of the GPDO;

COMPLIES

(b) Any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;

COMPLIES

(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;

COMPLIES

(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;

COMPLIES (+22.5 cubic metres).

(e) It would consist of or include –

(i) The construction or provision of a veranda, balcony or raised platform, or

(ii) The installation, alteration or replacement of a chimney, flue or soil and vent pipe;
or

COMPLIES

Officer's Note: The proposed SvP would comply with Class G.

(f) The dwellinghouse is on article 2(3) land.

COMPLIES

Conditions (Class B)

Development is permitted by Class B subject to the following conditions –

(a) The materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

COMPLIES

(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 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

COMPLIES

(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

COMPLIES

Assessment (Class C)

Class C of Part 1 of Schedule 2 of the GPDO allows for any other alteration to the roof of the dwellinghouse subject to it not being contrary to any of the following criteria:

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (change of use)

COMPLIES

(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

COMPLIES

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

COMPLIES

(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

COMPLIES

Officer's Note: The proposed SvP would comply with Class G.

Conditions (Class C)

Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse shall 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

COMPLIES

RECOMMENDATION: Grant

The proposal constitutes permitted development by virtue of compliance with the requirements of Schedule 2, Part 1, Class B, C and G of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Recommendation: Permitted Development

Approval Reason(s) (1)

- 1 The proposals comprise permitted development by virtue of compliance with Classes B and C of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and therefore would not require planning permission.

Informatives (1)

For the avoidance of doubt, the decision relates to the following drawings:-

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- A1 – Existing/Proposed Floor Plans
- A2 – Existing/Proposed Floor Plans

- A3 – Existing/Proposed Floor Plans
- A4 – Proposed Floor Plans
- A5 – Existing/Proposed Elevations
- A6 – Existing/Proposed Elevations
- A7 – Existing/Proposed Elevations
- A8 – Existing/Proposed Elevations
- A9 – General Section
- A10 – Location Plan