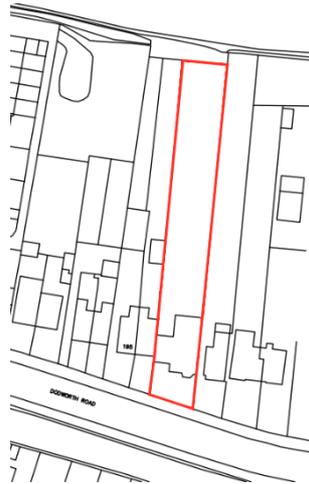


Application Reference Number:	2025/0273		
Application Type:	Lawful Development Certificate – Proposed.		
Proposal Description:	Erection of rear dormer window (Lawful Development Certificate for a Proposed Development).		
Location:	191 Dodworth Road, Barnsley, S70 6HR.		
Applicant:	Mrs Jill Riley.		
Third-party representations:	None.	Parish:	
		Ward:	Dodworth.

Site Description

This application relates to a two-storey stone-fronted property which fronts onto Dodworth Road. The property has a largely brick construction with a pitched rosemary coloured tiled roof. The property is fronted by a large driveway bounded by stone and brick walls and a hedge. The property benefits from existing extensions to the side and rear and a large rear garden.



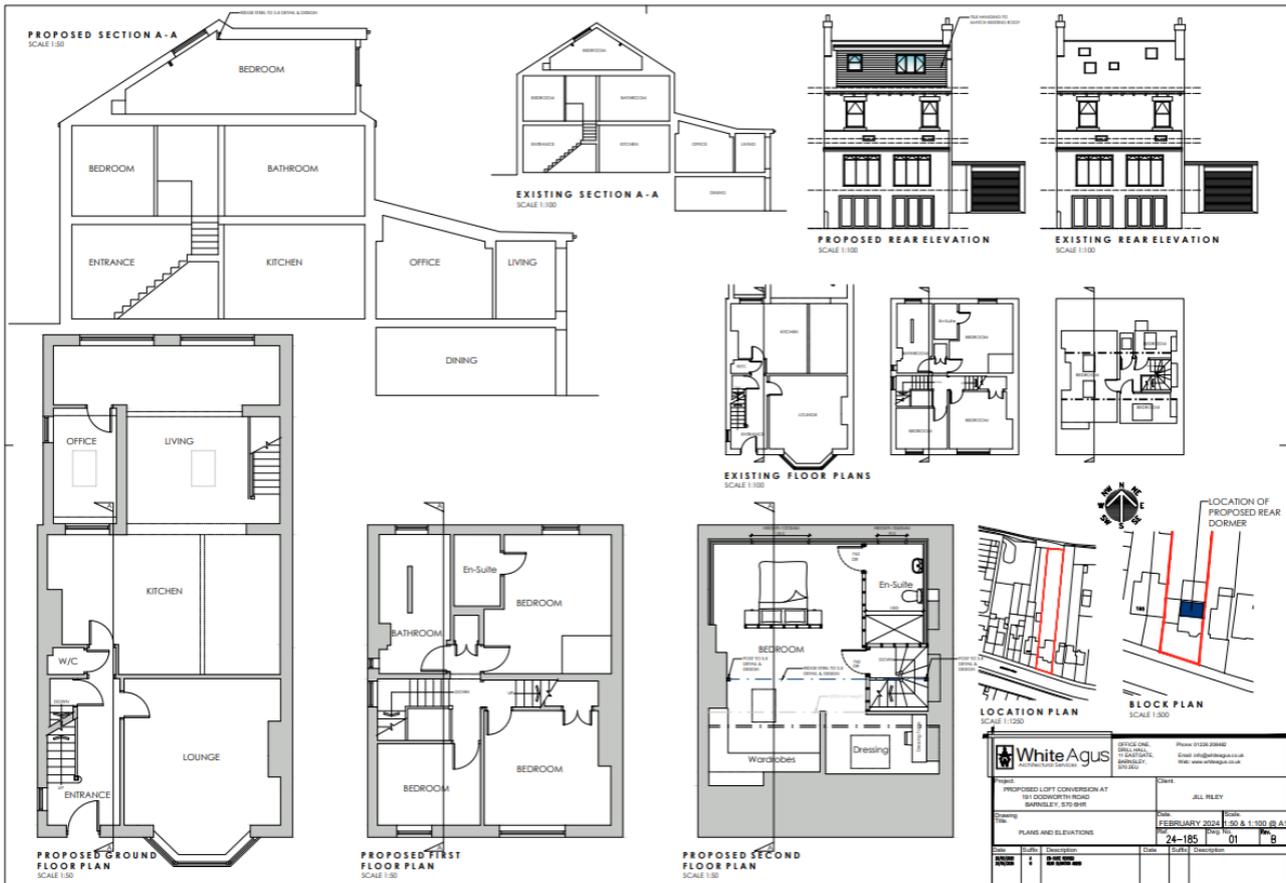
Planning History

B/79/1026/BA	Erection of private garage.	Historic.
B/03/1804/BA	Erection of rear conservatory extension to dwelling.	Approved.
2014/1045	Replacement of existing rear conservatory with single storey rear extension and extend basement to create balcony around extension.	Approved.
2016/0843	Demolition of existing side extension and erection of two storey side extension to dwelling.	Approved.
2021/0897	Erection of ground floor extension to rear/side positioned above existing basement level extension.	Approved.

Proposed Development

This application is for a lawful development certificate (LDC) under Section 192 of the Town and Country Planning Act 1990 which seeks confirmation that the proposed works comply with the requirements of Class B, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and therefore do not require planning permission.

A dormer window to the rear of the application property, measuring approximately 4 metres (L) x 6.9 metres (W) x 2.7 metres (H) and constructed of hanging tiles to closely match the existing roof, is proposed. The resulting roof space of the proposed development would be approximately 37.3m³.



Relevant Policies

Section 192(1) the Town and Country Planning Act 1990 states that if any person wishes to ascertain whether any operations proposed to be carried out in, on, over, or under land, would be lawful, they may make an application for the purpose to the local planning authority describing the use or operations in question.

Section 192(2) then states that if, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case shall refuse the application.

No special restrictions or designations affecting the proposal are considered to apply to the development site, such as permitted development rights having been removed, or listed status etc.

Class B, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), permits the enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

Permitted development

B. The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

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);*
- (b) any part of the dwellinghouse would, as a result of the works, 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;*
- (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;*
- (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;*
- (f) the dwellinghouse is on article 2(3) land;*
- (g) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses); or*
- (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).*

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 a 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 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*
- (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.

B.4 For the purposes of paragraph B.2(b)(ii)—

- (a) roof tiles, guttering, fascias, barge boards and other minor roof details overhanging the external wall of the original dwellinghouse are not to be considered part of the enlargement; and*
- (b) “rear or side extension” includes an original part of, or a subsequent extension of, the dwellinghouse that extends from the rear or side of the principal part of the original dwellinghouse.*

Consultations

There is no statutory requirement for LPAs to consult third parties, including neighbouring residents or parish councils on a lawful development certificate application as such applications are a matter of fact and law and are not determined on their planning merits or judged against national or local planning policies or guidance. Nevertheless, this application was advertised on the Council website, and no representations were received.

Planning Assessment

Class B, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), permits the enlargement of a dwellinghouse consisting of an addition or alteration to its roof, if the relevant criteria and conditions are complied with.

Having checked these specifications, the proposed development will comply with the legislation and requirements for permitted development and therefore, the Certificate of Lawful Development should be granted.

RECOMMENDATION: Lawful development certificate – Approve.