

**Application Reference:** 2025/0695

**Site Address:** 4 Belmont Terrace, Cote Lane, Thurgoland, Sheffield, S35 7AD

**Introduction:**

This application seeks approval for a certificate of lawfulness for proposed rear extension, dormer windows on roof, and front rooflight.

**Relevant Site Characteristics**

The weathered yellow stone dwelling is part of a block of cottage style terraced house located in a set back position from Cote Lane in the village of Thurstone, accessed by what is described as a private driveway.

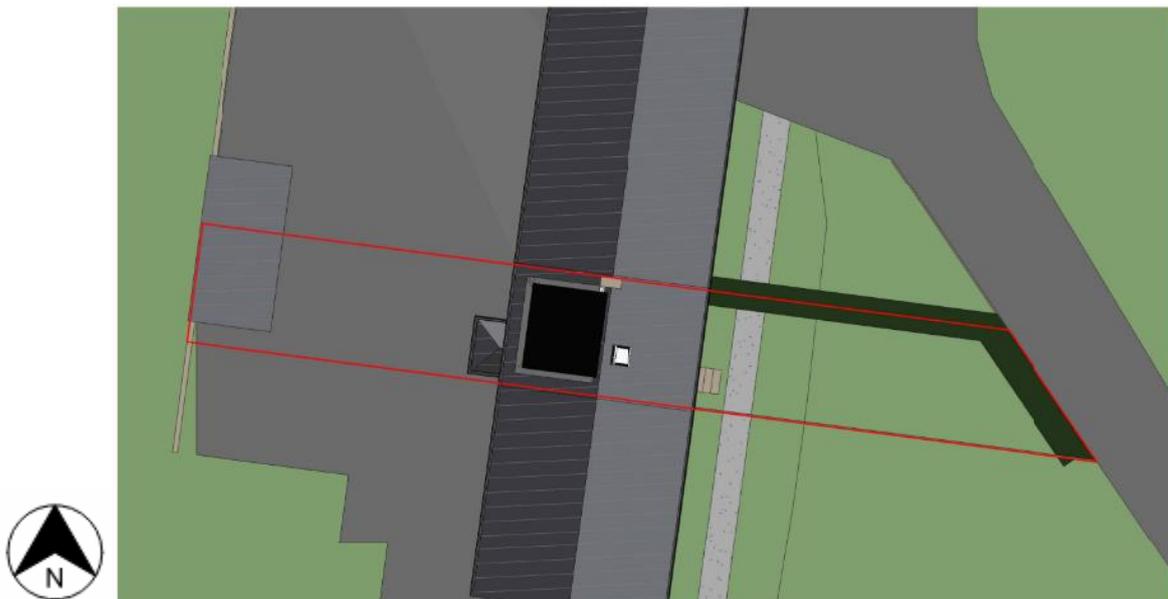
**Relevant Site History**

Application Reference	Description	Status (Approved/Refused)
B/76/2003/PR	Internal alterations and porch (Permitted Development)	Unknown

**Detailed description of Proposed Works**

The proposal is for a modest sized replacement extension, on the western elevation of the dwelling, a dormer window, also within the western roof plane of the dwelling, and a roof light in the eastern roof plane.

Site Plan Indicating Proposed Extension, Dormer and Rooflight



**Relevant Legislation**

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

the land and describing the use or operations in question. Section 192(4) then provides 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.

For a lawful development certificate to be issued for the enlargement, improvement or other alteration of a dwellinghouse, it must meet the criteria set out in Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Specific to this application is Class A (1-3) for the extension and Class B for the dormer window and roof lights, as outlined below.

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Class A – enlargement, improvement or other alteration of a dwellinghouse

**Permitted development**

**A.** The enlargement, improvement or other alteration of a dwellinghouse.

**Development not permitted**

**A.1** Development is not permitted by Class A 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) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

(c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;

(d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;

(e) the enlarged part of the dwellinghouse would extend beyond a wall which—

(i) forms the principal elevation of the original dwellinghouse; or

(ii) fronts a highway and forms a side elevation of the original dwellinghouse;

(f) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—

(i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or

(ii) exceed 4 metres in height;

(g) for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—

(i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or

- (ii) exceed 4 metres in height;
- (h) the enlarged part of the dwellinghouse would have more than a single storey and—
  - (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or
  - (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;
- (i) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;
- (j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—
  - (i) exceed 4 metres in height,
  - (ii) have more than a single storey, or
  - (iii) have a width greater than half the width of the original dwellinghouse;
- (ja) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);
- (k) it would consist of or include—
  - (i) the construction or provision of a verandah, balcony or raised platform,
  - (ii) the installation, alteration or replacement of a microwave antenna,
  - (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
  - (iv) an alteration to any part of the roof of the dwellinghouse [F8; or]
- (l) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).]

**A.2** In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—

- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;
- (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
- (c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse;
- (d) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c).

### Conditions

**A.3** Development is permitted by Class A subject to the following conditions—

(a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

(b) any upper-floor window located in 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; and

(c) where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

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Class B – additions etc to the roof of a dwellinghouse

**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.

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## Consultations

There is no statutory requirement for a Local Planning Authority to consult third parties on a lawful development certificate application, including neighbouring residents or parish councils since such applications are a matter of fact and law and are not determined on planning merits or judged against national and local planning policies and guidance. Nonetheless, the application was made available online and no representations were received.

Local ward councillors – No comments or objections received

### **Planning Assessment**

In addition to the application form, the following plans were submitted in support of this application:

- Existing Plans and Elevations Drawing 2025114/101 Rev No P0
- Proposed Plans and Elevations Drawing 2025114/102 Rev No P0
- Location Plan TQRQM25181113818877

### Principle

The site falls within Urban Fabric, it is not a listed building nor in the curtilage of one, and it is not located within a conservation area (article 2 land). Permitted development rights have not been removed from the dwelling through a previous planning application.

### Assessment:

The replacement extension, which features an approximate projection of 1.3m, a height of less than 3m and an area of less than 3sqm would meet the requirements of Class A of the General Permitted Development Order 2015 (GPDO 2015). The proposed dormer window and roof light both meet the size requirements, including the proposed dormer being less than 40 cubic meters, and location requirements set out in Class B of the GPDO 2015. The proposed extension and dormer window also meet the requirement for use of materials of a similar appearance, which is also in accordance with the respective guidance of Class A and Class B of the GPDO 2015.

### Conclusion

For the purposes of considering this application, the application was assessed against the criteria set out in Class A and Class B of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended) and was found to be compliant, therefore a lawful development certificate may be issued.

### **RECOMMENDATION: Approve subject to conditions**

### **Justification**

Contact was made with the applicant, but it has not been necessary to request amendments to the proposal during the consideration of the application, as it was deemed acceptable.

### **STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015**

**Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering objections, the determination of the application and the resulting recommendation. it is considered that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home and his correspondence.**

**Conditions and Informative**

1. The development hereby approved shall be carried out strictly in accordance with the plans (Existing Plans and Elevations Drawing 2025114/101 Rev No P0; Proposed Plans and Elevations Drawing 2025114/102 Rev No P0: Location Plan TQRQM25181113818877) and specifications as approved unless required by any other conditions in this permission.

**Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.**

2. The external materials shall match those used in the existing building.

**Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1.**

1. The granting of planning permission does not in any way infer that consent of the landowner is given. Therefore, the consent of all relevant landowners is required before proceeding with any development, including that of the Council as landowner. If it should transpire that the applicant does not own any of the land included in this consent, then it is the responsibility of the applicant to seek all necessary consents and approvals of the landowner