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2025/1019

5 Royston Lane, Carlton, Barnsley, S71 3EW

Conversion of utility and WC to wetroom with an increase in roof height (Lawful Development Certificate for a proposed development)

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### Site Description

The application relates to a semi-detached dwelling within the Carlton area. The property is constructed from red brickwork and features a hipped roof. The dwelling includes a two storey flat roofed rear extension and a small lean to roofed rear extension. The site provides a substantial rear garden and a small front garden. The surrounding area is characterised by residential properties constructed from varying materials.

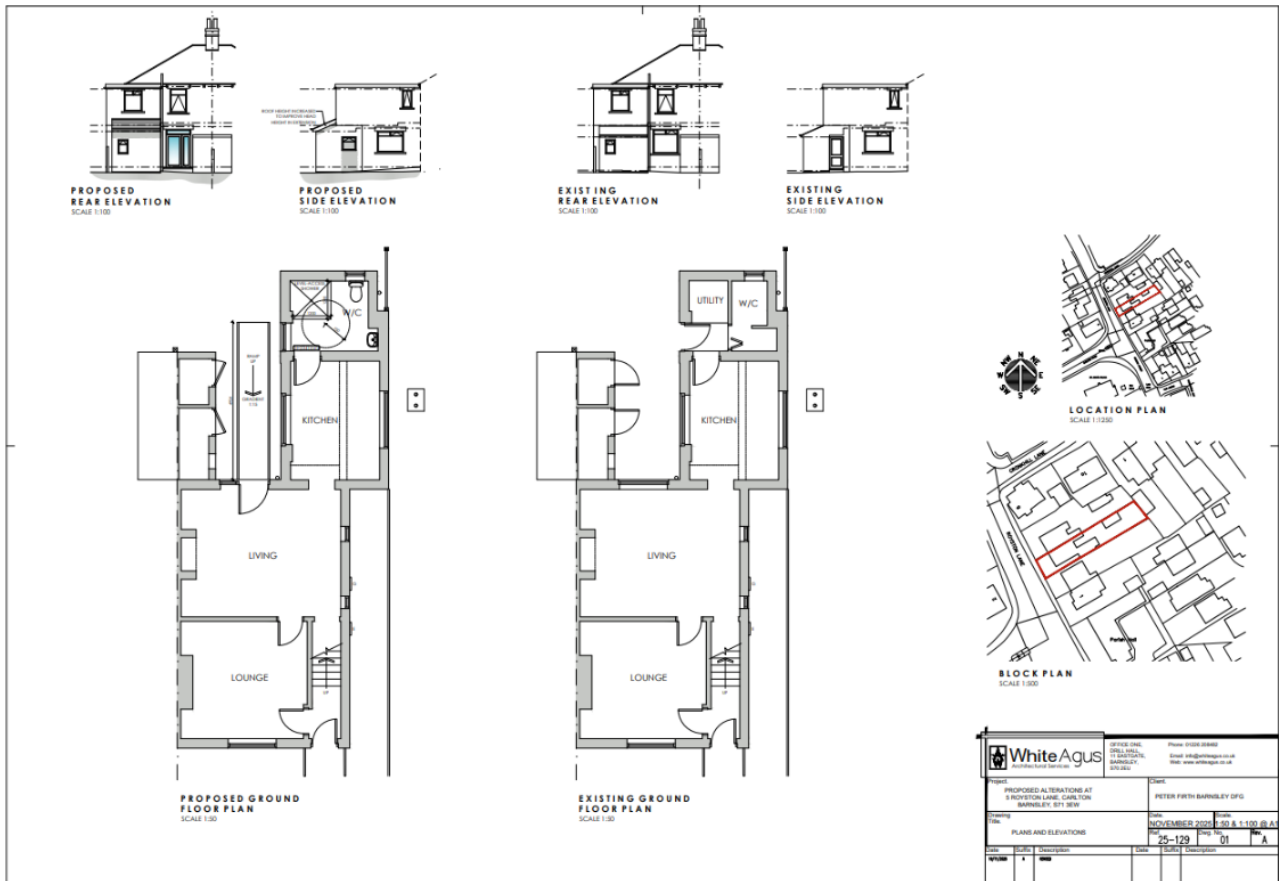


## Proposed Development

The applicant has submitted an application for a Lawful Development Certificate for the proposed increased roof height of the existing rear single storey extensions to roof height. The rear ground floor window is also detailed to be altered to a rear door and the existing north elevation ground floor door is to be replaced by a small window.

The applicant has submitted the following plan in support of the application:

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## Policy Context

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.

The enlargement of a dwellinghouse consisting of an increase to the existing rear single storey roof is allowed without obtaining planning consent provided that it meets the criteria set out in Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Purely internal alterations are lawful pursuant to section 55(2)(a) of the Town and Country Planning Act 1990.

## Principle of development

### 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 [F1G,] M, [F2MA,] N, P [F3, 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) F4...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

[F5(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; F6...

[F7(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]

[F9(l) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).]

## 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

**[F11(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.]

## Consultations

No consultation

## Representations

No neighbours were consulted for this application.

## Assessment

The enlargement of a dwellinghouse consisting of an increase to the existing roof height of the existing rear single storey extension is allowed without obtaining planning consent provided that it meets the criteria set out in Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Purely internal alterations are lawful pursuant to section 55(2)(a) of the Town and Country Planning Act 1990.

Having checked these specifications along with other supplementary specifications, the proposals would comply with this legislation and requirements for permitted development. Therefore, the Certificate of Lawful Development should be granted.

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

## Justification

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

It has not been necessary to make contact with the applicant to request amendments to the proposal.

**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

1. The development hereby approved shall be carried out strictly in accordance with the plans

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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 High Quality Design and Place Making.**