



Appeal Decision

Site visit made on 4 February 2020 by C McDonagh BA (Hons), MA

by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2020

Appeal Ref: APP/A4710/D/19/3239637

331 Skircoat Green Road, Halifax HX3 0LX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Sajid Rehman against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 19/00936/HSE, dated 2 August 2019, was refused by notice dated 8 October 2019.
 - The development proposed is construction of front and rear dormer windows.
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Decision

1. The appeal is dismissed insofar as it relates to the rear dormer window.
2. The appeal is allowed insofar as it relates to the front dormer window at 331 Skircoat Green Road, Halifax HX3 0LX in accordance with the terms of application ref: 19/00936/HSE, dated 2 August 2019 and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan-drawing no.100, Proposed Elevation-drawing no.200, insofar as the drawings relate to the front dormer window.
 - 3) The materials to be used in the construction of the external surfaces of the front dormer window hereby permitted shall match those used in the existing house.

Appeal Procedure

3. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the host dwelling and, linked to that, whether the development would preserve or enhance the character or appearance of the Skircoat Green Conservation Area.

Reasons

5. The appeal site is a two-and-a-half storey, mid-terrace dwelling of stone construction. The roof contains an existing rear dormer window which would be replaced by the proposal for a larger dormer. The proposal also includes the addition of a dormer window to the front elevation. The site is located along Skircoat Green Road which contains a mix of residential and commercial uses.
6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
7. While the proposed rear dormer would be set down from the ridge, it would extend nearly the full width of the roof. This would add significant bulk to the dormer, giving it a dominant and top-heavy appearance, and change the character and appearance of the appeal property by significantly altering the original roof form, despite the use of matching materials to those of the host property.
8. As the appellant contends, it was clear that some of the houses on Skircoat Green Road have rear dormer windows, which I noted on the site visit. However, these are generally modest in scale and design, similar to that of the existing rear dormer at the appeal property.
9. For the reasons set out above, the rear dormer would not respect the character and appearance of the host dwelling. As such it would neither preserve nor enhance the character or appearance of the conservation area. Consequently, the rear dormer would not meet the weighty statutory requirements of the Act.
10. The works would affect a small section of the conservation area and therefore in terms of paragraph 193 of the National Planning Policy Framework (the Framework), the harm caused to its significance would be less than substantial. The approach in paragraph 196 is that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits of the proposal. In this case the development would allow the re-ordering of the interior to meet the present occupier's current family needs. I note a reduction in overall size of the dormer was discussed between the appellant and the Council at application stage, but this was not feasible due to the need for head height. This is clearly of personal benefit to the appellant, although it would not equate to public benefits sufficient to outweigh the harm that I have identified.
11. In conclusion, the proposed rear dormer would conflict with Policy BE18 of the Replacement Calderdale Unitary Development Plan (CUDP) which seeks to ensure development respects the characteristics of buildings in conservation areas with regards to form, scale and design. The proposal would also be contrary to the aims of the Framework in considering potential impacts of development on designated heritage assets.
12. Turning to the front dormer window; the plans show it would be constructed in materials to match the existing dwelling and would have a simple form while being of similar scale to others in the streetscene. I note that the Council has raised no objections to this element of the proposal and, from all I have seen and read, I conclude that the proposed front dormer would not cause any undue harm to the character or appearance of the area and would preserve the

character and appearance of the Conservation Area. As such this element of the proposal would comply with Policy BE18 of the CUDP and the aims of the Framework.

Conditions

13. In the interests of proper planning and to provide certainty I have recommended the standard time limit condition and have specified the approved plans.
14. In the interests of the character and appearance of the appeal property and the conservation area, it is necessary to attach a condition that requires the materials of the external surfaces of the front dormer to match the external materials of the existing property.

Conclusion and recommendation

14. For the reasons given above, and having had regard to all other matters raised, I therefore recommend a split decision; that the appeal is dismissed insofar as it relates to the rear dormer and allowed insofar as it relates to the front dormer, subject to the above conditions.

C McDonagh

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, a split decision is issued.

K Taylor

INSPECTOR