



Appeal Decision

Site visit made on 23 December 2024

by **P Eggleton BSc(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 January 2025

Appeal Ref: APP/Z4718/D/24/3349582

39 Frederick Street, Crosland Moor, Huddersfield, West Yorkshire HD4 5QZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr G Khan against the decision of Kirklees Council.
 - The application reference is 2024/62/90779/W.
 - The development proposed is a dormer to front and rear elevation.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect on the character and appearance of the area; and the effect on the safety and convenience of road users.

Reasons

3. Frederick Street and Ivy Street serve three rows of terraced properties that extend between Blackmoorfoot Road to the south and the public open space to the north. This proposal relates to a mid-terrace property towards the open space end of Frederick Street that backs on to allotments. Within this terrace, I was unable to identify any similar roof alterations. The terrace opposite has a dwelling with a rear dormer window which faces the Ivy Street properties. Reference has also been made to the front dormer at 290 Blackmoorfoot Road which is a large prominent structure that faces the main road. Overall, aside from these two anomalies, the character of the area has not generally been altered with regard to the roofscape of these terraced houses.
4. The front dormer window, although slightly smaller than the rear, would be extremely prominent given its visibility from the street. The rear dormer would be less apparent but would remain evident from the allotments and in longer views from the public open space. The size of both dormers would result in them dominating the roof. Although some effort has been made to position the dormer structures and the windows within them, to correspond with the window positions below, they would appear as entirely uncharacteristic features that would be at odds with the design and appearance of these properties. They would detract from the character and appearance of these terraced houses as they would represent large uncharacteristic additions to these relatively unaltered roofs. They would represent poor design in this context.

5. The proposal would be contrary to the design expectations of policies LP2 and LP24(a&c) of the Kirklees Local Plan 2019, particularly as they would fail to represent good design; would not respect the character of the townscape; and would not be subservient or in keeping. The policies are consistent with the expectations of the National Planning Policy Framework 2024 which is also clear that development that is not well designed should be refused.
6. The council's House Extensions and Alterations Supplementary Planning Document 2021 advises that ideally, dormers should be located to the rear of a house and should be as small as possible; relate to the appearance of the house; and not dominate the roof. To assess whether a dormer window is appropriate on the front elevation, it advises that consideration should be given to the surrounding buildings in the street. Although there would be less conflict with regard to the rear dormer, both would be at odds with the design objectives of this guidance.
7. The council accepted both a front and rear dormer to this property in 2015. The development plan has been updated since that decision, as has the local design guidance and government guidance. I am not aware of the particular design details that were accepted at that time so I cannot assume that this proposal would be entirely consistent with that approval. Although expired, as consistency in decision making is important, that decision does provide considerable weight in favour of the principle of this proposal given that overall, despite the policy updates, design expectations generally, have not altered significantly since 2015.
8. The council have accepted rear extensions to this property by virtue of a permission in 2021. I do not have the details and they are not shown on the proposed plans for this development. The works have commenced but are incomplete. It is evident that they represent significant alterations to the rear. As part of that permission, the council included a condition that removed future permitted development rights for roof alterations. That condition has not been challenged. Without the combined plans, I am not clear, whether the now proposed rear dormer would satisfy all the permitted development conditions in combination with the on-going works. It has also not been demonstrated how the two developments would relate. As both dormers currently require planning permission, it is appropriate to consider them both against the current policy position, regardless of what may normally be accepted as permitted development.
9. Whilst it has been suggested that there are numerous dormer windows on terraced properties within the borough, I must consider the situation within this particular area. I have no details with regard to the dormer within this street or the large front dormer at 290 Blackmoorfoot Road. It has not been suggested that they are recent additions or benefited from planning permission. In these circumstances, they offer only limited weight in favour of this proposal.
10. The council has raised concerns regarding the increased pressure that would result on parking and turning within Frederick Street. As the details of the 2015 and 2021 permissions have not been provided, I only have information with regard to the respective changes in the number of bedrooms. I am unclear what the council has previously accepted or what increase in accommodation would result overall, if this proposal was to be combined with the current works. In any event, given my main finding, this is not a matter on which my decision would turn.

11. I note the appellant's concerns with regard to communication with the council and the reasons given for not implementing the 2015 permission. I have also had regard to the letters of support. Whilst there are a number of matters that offer considerable support for the proposal, particularly the 2015 permission, I conclude that on balance, these matters are not sufficient to outweigh my main concern. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR