



Appeal Decision

Site visit made on 15 May 2025

by K Winnard LLB Hons Solicitor

an Inspector appointed by the Secretary of State

Decision date: 13 June 2025

Appeal Ref: APP/Z4718/D/25/3363646

13 Thornhill Road, Edgerton, Huddersfield HD3 3DD

- 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 Imran Saeed against the decision of Kirklees Metropolitan Council.
 - The application Ref is 24/62/93372/W
 - The development proposed is a rear dormer to a semi-detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Revised plans were submitted within the course of the application which removed a proposed side dormer and reduced window sizes. My decision is based on the revised plan.

Main Issues

3. The main issues in the appeal are the effect of the development on the character and appearance of the dwelling and the area having regard to its conservation area status.

Reasons

4. The appeal property, No 13 Thornhill Road (No 13) is a semi-detached early 20th century property situate within the Edgerton Conservation Area (ECA) where there is a statutory duty to pay special attention to the desirability of preserving or enhancing the character of the area. In addition, the National Planning Policy Framework (the Framework) states that great weight should be attached to the conservation of designated heritage assets, in this case the ECA.
5. No full conservation area analysis is before me, but from the information before me and my observations on my site visit, the special characteristics of the ECA are the setting of predominantly large Victorian and early 20th century detached and semi-detached villas of a similar design and architectural features within generous plot sizes in a mature verdant setting.
6. Whilst it would be set down below the ridgeline, the proposed roof dormer would span almost the entirety of the roof plane of No 13. The flat roof design would have a “boxy” appearance which would result in an unsympathetic and pronounced feature. It would be at odds with the form and design of the host dwelling detracting

significantly from the original qualities of the property. As such it would harm the character and appearance of the host dwelling and the ECA.

7. I acknowledge that the appeal scheme has been revised to remove a proposed side dormer and reduce the sizes of the windows. Even so, the current proposal would represent an incongruous addition which would harm the appearance of the host dwelling and the ECA. Whilst I appreciate that the dormer would be at the rear of the dwelling, it would appear as a dominant addition which would be visible in some views from within the ECA. Further, views of the dormer would be seen from private views in neighbouring gardens. Whilst these may not be public views, they nonetheless form part of the surroundings in which the heritage asset is experienced. Whether or not a similar size dormer could be built under permitted development allowances outside a conservation area does not persuade me that the proposal should be granted planning permission, given the harm I have identified.
8. I acknowledge that there are a number of other dormer roof extensions within the ECA. However, I have not been provided with full details of these cases and am unaware of the specific circumstances relating to these developments. These dormers are not, however, a prevalent feature within the ECA, nor do not represent the positive character of the area where the original appearance of housing remains largely intact. Nor is it clear when these additions were undertaken and whether they predate the designation of the ECA. As such, I give limited weight to these examples which in any event do not provide justification for the proposed development. I have determined the appeal scheme on its own merits, and as identified above I have found harm in relation to the main issue.
9. For the reasons given above, I conclude that the proposal would fail to preserve or enhance the ECA. Consequently, I give this harm considerable importance and weight in the planning balance of this appeal. The proposal would also fail to comply with Policies LP24 and LP35 of the Kirklees Local Plan Strategy and Policies (adopted 2019) which require proposals to promote good design ensuring form, style, layout and detailing of development, and to respect and enhance the character of the landscape and historic environment. It would also conflict with the Council's House Extensions and Alterations Supplementary Planning Document which provides, amongst other matters, that dormers should relate to the appearance of the house and existing roof and not dominate the roof.
10. Given the size and scale of the proposal within the ECA as a whole, the harm that would arise would be localised and the impact upon the ECA would be less than substantial within the meaning of the National Planning Policy Framework (the Framework). Under such circumstances, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal. The proposal would provide additional living space and result in a larger property. This would have a beneficial effect on the overall housing stock. Whilst this would be a public benefit, it would be modest and insufficient to outweigh the totality of the harm I have found. Accordingly, the proposal would fail to comply with national policy.

Other Matters

11. The appellant has stated that the proposal would provide additional living accommodation for a multi-generational household. Therefore, as part of determining this appeal I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010. This sets out the need to eliminate unlawful discrimination, harassment, and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics include a person's race.
12. I have considered the reasons why the appellant has applied for planning permission to extend their property. However, I have been provided with little information to demonstrate the extent of appropriate living space specific to these needs, or why the appeal proposal is the only means of securing the accommodation sought. Therefore, having regard to this matter, I attach limited weight to these circumstances. Further, the dismissal of the appeal is a proportionate and necessary response, having regard to the legitimate and well-established planning objective of preserving or enhancing the character and appearance of conservation areas.
13. The appellant makes reference to the Council's handling of the application in relation to approach and procedure. My decision relates to considering the merits of the proposal. Where examples of alleged inconsistency have been brought to my attention, I have considered these earlier in my response.

Conclusion

14. For the reasons given above, the proposal would not preserve or enhance the character of the ECA. It would also conflict with the Development Plan and the Framework. With reference to the PSED, I consider that my decision to dismiss the appeal is proportionate and necessary.
15. I therefore conclude that the appeal should be dismissed.

K Winnard

INSPECTOR