



Appeal Decision

Site visit made on 25 July 2025

by **D Hartley BA (Hons) MTP MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 JULY 2025

Appeal Ref: APP/U2750/X/25/3360031

13 South Beech Avenue, Harrogate, North Yorkshire, HG2 7PE

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Harrogate Housing Association Limited against the decision of North Yorkshire Council.
 - The application ref ZC24/02008/CLOPUD, dated 31 May 2024, was refused by notice dated 1 August 2024.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 (as amended).
 - The development for which a certificate of lawful use or development is sought is external wall insulation.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. For the avoidance of doubt, I make clear that the planning merits of the proposed development is not relevant in this appeal. My decision rests on the facts of the case and on relevant planning law and judicial authority.

Main Issue

3. The main issue is whether the Council's decision to refuse to grant an LDC was well-founded with particular regard to whether on the date of the LDC application the proposed external wall insulation was permitted development given the limitations and conditions of Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).

Reasons

4. The evidence is that the proposed 'brick effect' external wall insulation, which would be applied to the external walls of the front and rear elevations of the dwellinghouse, would extend outwards by about 120 mm. The Government's Permitted Development Rights for Householders Technical Guidance 2019 states that *"the installation of solid wall insulation constitutes an improvement rather than an enlargement or extension to the house and is not caught by the provisions"* of Class A.1(e), (f), (g), (h) and (j) of Part 1 of Schedule 2 of the GPDO. Moreover, there is no dispute between the main parties that the proposal would not fall foul of the limitations of the other sub-sections in Class A.1 of Part 1 of Schedule 2 of the GPDO. I do not disagree with this common ground position.

5. The point of dispute between the main parties relates to whether the proposal would fall foul of the condition in A.3(a) of Part 1 of Schedule 2 of the GPDO, namely that *“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”*.
6. For my site visit, the appellant provided a sample panel of the proposed external wall insulation at the front of the property in order that I could compare it with the appearance of the existing brick-built dwellinghouse. I find that owing to the variation in the tone, texture, finish and colour of the proposed material, it would not, as a matter of fact and degree, be of similar appearance to the material used in the construction of the exterior walls of the front and rear elevations of the existing dwellinghouse.
7. Overall, I find that the bricks used on the existing dwellinghouse have a noticeable variation in their texture and colour. Moreover, they have a visually uneven finish. In contrast, the sample of proposed external wall insulation, as seen on the site visit and at paragraph 3.18 of the appellant’s statement of case, has a very even colour, tone and finish throughout. Hence, and, in this regard, the proposed external wall insulation would be viewed as being in stark contrast to what exists now and when seen against the brick walls of the adjacent terraced dwellinghouses.
8. I accept that the size of the bricks and mortar gaps would be similar to what exists now. However, in relative terms it is the variation in the tone, texture, colour and finish which are determinative matters in this case. I acknowledge that ‘similar’ does not mean identical. However, the proposal includes sufficient variation relative to what exists now to reasonably justify a finding that the proposal would not result in the material being of a similar appearance to what exists now to the front and rear walls of the dwellinghouse.
9. The appellant has referred me to examples of other sites in Leeds and Northallerton where decisions were reached that similar proposals were permitted development. I am not bound by those decisions and, in any event, have determined this appeal on the evidence that is before me, and have exercised my own professional judgement.
10. For the above reasons, I conclude that the proposal would not have been permitted development if it had begun or been instigated on the date of the LDC application.

Conclusion

11. For the reasons given above, I conclude that the Council’s refusal to grant a certificate of lawful development for external wall insulation is well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act (as amended).

D Hartley

INSPECTOR