



Appeal Decision

Site visit made on 25 September 2025

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

an Inspector appointed by the Secretary of State

Decision date: 29 SEPTEMBER 2025

Appeal Ref: APP/A4710/X/25/3363057

1 St. Peters Square, School Lane, Southowram, Halifax, HX3 9TL

- 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 Mr Mark Pascall against the decision of Calderdale Metropolitan Borough Council.
 - The application ref 24/00807/192, dated 9 August 2024, was refused by notice dated 4 October 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 the construction of front dormers and rear rooflights to the garage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The LDC application form describes the proposal as '*construction of front and rear dormers*'. However, the proposal was amended at LDC application determination stage to include proposed drawing No. P948-02A which shows the construction of front dormers and rear rooflights to the attached garage. I have based my decision on the above plan. The banner heading above therefore takes the description of proposed development from the Council's refusal notice and not from the LDC application form.
3. For the avoidance of doubt, I make clear that the planning merits of the proposed construction of dormers and rear rooflights to the garage are not relevant in this appeal. My decision rests on the facts of the case and on relevant planning law and judicial authority.

Main Issue

4. The main issue is whether the Council's decision to refuse to grant an LDC was well-founded with particular regard to whether the proposed dormers would be permitted development under Class B of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).

Reasons

5. There is no dispute between the main parties that the proposed rooflights would be permitted development in so far that they would not fall foul of the limitations or

conditions of Class C of Part 1 of Schedule 2 of the GPDO. I do not disagree with this common ground position.

6. There is no dispute between the main parties that the dormers would accord with all the limitations of B.1 of Class B of Part 1 of Schedule 2 of the GPDO apart from B.1(c) which states that development is not permitted if *'any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway'*.
7. The point of dispute between the main parties relates to whether the garage to which the proposed dormers would be attached forms part of the principal elevation of the dwellinghouse, and whether the proposed dormers would extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway. The appeal property is 'L' shaped with the single storey double garage projecting forwards towards the highway (i.e. School Lane) relative to the two-storey part of the dwellinghouse. The double garage is orientated so that the main vehicular entrance doors and roof slopes are sideways on to School Lane.
8. The Government's Permitted Development Rights for Householders: Technical Guidance 2019 (Technical Guidance) provides clarity in terms of the definition of *'principal elevation'*. It states, *'in most cases the principal elevation will be that part of the house which fronts (directly or at an angle) the main highway serving the house (the main highway will be the one that sets the postcode for the house concerned). It will usually contain the main architectural features such as main bay windows or a porch serving the main entrance to the house. Usually, but not exclusively, the principal elevation will be what is understood to be the front of the house'*.
9. In my judgement, the principal elevation of the appeal property is the two-storey part of the dwellinghouse which directly faces School Lane, i.e., that elevation which contains the entrance door and with No. 1 affixed to it. It contains architectural features which to the passer-by are visually appreciated as being the main entrance to the dwellinghouse.
10. The Technical Guidance goes on to say, as part of the Class B.1(c) assessment, that *'the principal elevation could include more than one roof slope facing in the same direction. For example, where there are large bay windows on the front elevation, or where there is an 'L' shaped frontage. In such cases, all such roof slopes will form the principal elevation and the line for determining what constitutes 'extends beyond the plane of any existing roof slope' will follow these slopes'*.
11. The garage roof, which is the subject of this appeal, does not face in the same direction as the roof slope of the two-storey part of the dwellinghouse. The gable elevation of the garage which directly faces the highway includes a central window. I do not find that this is an architectural or fenestration detail which serves the main entrance to the dwellinghouse. In my judgement, the garage is not part of the principal elevation of the dwellinghouse.
12. Notwithstanding the above, the Technical Guidance states that the line for determining what constitutes *'extends beyond the plane of any existing roof slope'* should follow any of the roof slopes which are part of the principal elevation. This is depicted in diagram form in Class A(e) of the Technical Guidance.

13. As the dormers would extend beyond the plane of the roof slope which forms part of the principal elevation of the dwellinghouse, i.e. the two-storey part of the dwellinghouse facing School Lane as outlined above, such a proposal would not be permitted development as it would fail to accord with the limitation in B.1(c) of Part 1 of Schedule 2 of the GPDO. In other words, the dormers would extend beyond the plane of an existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway. Even if I had taken the view that the garage formed part of the principal elevation of the dwellinghouse, the Technical Guidance makes it clear that '*extend beyond the plane of any existing roof slope*' refers to any roof slope forming part of the principal elevation. Consequently, and, for the above reasons, the proposed dormers require planning permission.

Conclusion

14. I conclude that the Council's refusal to grant a certificate of lawful use or development for the construction of front dormers and rear rooflights to the garage 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