



Appeal Decision

Site visit made on 21 October 2025

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08th January 2026

Appeal Ref: APP/U2750/X/25/3368383

45 Harlow Oval, Harrogate, North Yorkshire HG2 0DR

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended (the Act) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr Joel Smith against the decision of North Yorkshire Council.
 - The application ref HGTZC25/00820/CLOPUD, dated 12 March 2025, was refused by notice dated 12 May 2025.
 - The application was made under section 192(1)(b) of the Act.
 - The development for which a certificate of lawful use or development is sought is proposed loft conversion with dormer to side and rear of property and a roof light to the front.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue of this appeal is whether the decision of the Council to refuse an LDC was well-founded.

Reasons

3. An application under section 192(1) of the Act seeks to establish whether any use or operations proposed to be carried out in, on, over, or under land would be lawful. In a LDC application, the onus is on the applicant to demonstrate on the balance of probabilities that the proposed development would be lawful.
4. The Council's reason for refusal indicates that the proposed development would not be compliant with Condition B.2(a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO) which states that *"the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse"*. The Council contend that the dormer which is proposed to be clad in timber would not be a matching material to the main dwellinghouse.
5. The appellant refers to the "Permitted development rights for householders – Technical Guidance" (Technical Guidance) in their statement of case and argues that the proposed dormer would be of similar appearance to materials used in the construction of the exterior of the existing dwellinghouse.
6. The Technical Guidance indicates that Condition B.2(a) is intended to ensure that any addition or alteration to a roof for a loft conversion results in an appearance that minimises visual impact and is sympathetic to the existing house. The Technical Guidance continues by explaining that this means that the materials used should be of similar visual appearance to those in the existing house, but does not mean that they need to be the same materials or match exactly. The visual impacts

of the materials used will be the most important consideration. In relation to dormer windows, the Technical Guidance details that the face and sides of a dormer window should be finished using materials that give a similar visual appearance to the existing house and that the materials used for facing a dormer should appear to be of similar colour and design to the materials used in the main roof of the house when viewed from ground level.

7. The appeal property is constructed primarily from a mix of render and brickwork to the walls with a tiled roof. The proposed cladding on the proposed dormer being timber therefore would not be similar in appearance to the materials of the appeal dwellinghouse. There are decorative style timber joists to the upper level of the appeal property, however these are not comparable, or similar in appearance, with the proposed timber cladding that would make up the bulk of the proposed dormer. There is minimal evidence provided in terms of the proposed colour finish of the timber cladding and therefore I am not able to assert whether the proposed cladding would be similar in colour to that of the roof tiles of the existing roof.
8. Due to the materials that are proposed for the faces and sides of the dormer extension, they would have a detrimental visual impact that would not be sympathetic to the existing dwellinghouse when viewed from ground level. The proposed materials would not be of similar design to the existing materials of the roof of the house and there is insufficient evidence to suggest the colour of the proposed materials would match that of the existing roof. I therefore find that the proposed dormer would conflict with the Technical Guidance.
9. As a matter of fact and degree, the materials proposed for the exterior work of the development would not be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. The development would not comply with Conditions B.2(a), Class B, Part 1, Schedule 2 of the GPDO.

Other Matters

10. I have had regard to the appellants statement of case including examples of another dormer development at 23A Harlow Oval. Insufficient information has been submitted with regards to this other dormer, and I do not consider it to be directly comparable to the appeal scheme, particularly in respect of whether this other dormer was considered to be in accordance with the GPDO. In any event, this does not alter my assessment on the appeal scheme, and that it does not accord with the GPDO.

Conclusion

11. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development for loft conversion with dormer to side and rear of property and a roof light to the front is well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the Act.

Chris Baxter

INSPECTOR