



Appeal Decision

Site visit made on 31 March 2026

by M Madge Dip TP MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 April 2026

Appeal Ref: APP/Z4718/C/25/3363455

22 Hawes Avenue, Huddersfield HD3 4DT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Mohammed Ashraf against an enforcement notice issued by Kirklees Metropolitan Council.
 - The notice was issued on 21 February 2025.
 - The breach of planning control as alleged in the notice is “Without the benefit of planning permission, the extension of an outbuilding.”
 - The requirements of the notice are:
 - a) Dismantle and demolish the extension in its entirety including any footings/foundation;
 - b) Remove from the land any rubble, debris and materials arising from carrying out the above step;
 - c) Return the land to its condition prior to the breach taking place.
 - The period for compliance with the requirements is 60 days from the day the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (c) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is allowed, the enforcement notice is quashed, and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the development already carried out, namely the extension of an outbuilding at 22 Hawes Avenue, Huddersfield HD3 4DT as shown on the plan attached to the notice.

Preliminary Matter

2. The allegation relates to the extension of an outbuilding and there is no dispute that it is a domestic outbuilding. While services such as electricity, water and foul drainage have been provided to it, these of themselves do not change the purpose of the extension being incidental or ancillary to the host dwelling. I shall proceed on this basis.

Appeal on ground (c)

3. An appeal on this ground is that the matter alleged does not constitute a breach of planning control. It is for the appellant to show that the extension of an outbuilding benefits from planning permission or does not constitute development.
4. The original outbuilding is located at the bottom of the garden and extends across almost the full width of the property. Its finished floor level is raised above the ground level such that steps or a ramp are required to gain entry. The extension projects forwards of the original outbuilding, towards the rear elevation of the host dwelling. The extension’s finished floor level is level with that of the original outbuilding and a timber ramp has been provided to gain access.

5. Class E, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO) provides deemed planning permission for outbuildings within the curtilage of dwellinghouses, subject to conditions and limitations. One of those limitations is that the height of the building cannot exceed 2.5 metres if it does not have a dual pitched roof and is within 2 metres of the dwellinghouse's boundary.
6. Neither the original building nor the extension has a dual pitched roof. As the height of the extension is in dispute, it was measured during my site visit. The exterior wall height of the extension was agreed as 2.8 metres from ground level to the underside of the guttering. Notwithstanding the figure of 2.8 metres is not the full height of the extension it clearly exceeds the 2.5 metres maximum height specified in Class E.1 of the GPDO. The extension does not therefore benefit from the deemed planning permission granted by the GPDO and the extension constitutes a breach of planning control.
7. For the above reason, the appeal on ground (c) fails.

Appeal on ground (a) and the deemed application for planning permission

8. The appeal property is a mid-terrace dwellinghouse with an enclosed garden to the rear. The host dwelling is constructed in natural stone of regular coursing with a dual pitched slate roof. The external appearance of the original outbuilding can only be seen in a long distance view from Myrtle Grove. It appears to be built of precast concrete panels with a mono-pitched roof that has a dark grey/black colour finish.
9. The outbuilding has been extended across the full width of its front elevation. The extension has been built in natural stone of uneven coursing with a mono-pitched roof of dark grey/black colour finish to match the original outbuilding. White uPVC doors, windows and fascias have been installed.
10. The **main issues** are the development's effect on:
 - the living conditions of neighbouring occupiers; and
 - the character and appearance of neighbouring properties and the immediate area.
11. The appeal property is sited on a hill, with 20 Hawes Avenue (No20) located to the north of the outbuilding (uphill) and 24 Hawes Avenue (No24) located to the south (downhill). The property backs on to 26 Myrtle Grove (No26). The extension to the outbuilding has no effect on No26 as it is separated from that property by the original outbuilding.
12. There is a high fence between the appeal property and No20. The height of the extension projects above the fence but this is not excessive. Furthermore, it is lower than the projection of the original outbuilding due to the sloping roof. The extension is therefore unlikely to cause any significant increase in overshadowing of the neighbouring garden caused by the fence and the original outbuilding. The extension would cause no overshadowing to the garden of No24 due to the orientation of the properties.
13. The extension is visible from the rear windows of the neighbouring properties. While it projects forward of the original outbuilding, there remains a reasonable

separation distance between it and the rear elevation of the terrace. In the absence of any substantive evidence to the contrary, I find the extension is not overbearing or dominant in the outlook from the neighbouring properties at No20 or No24.

14. The original outbuilding has a mono-pitched roof and the extension follows this design. It is not uncommon for detached outbuildings to have mono-pitched roofs when the host building has a dual pitched roof. I find this design feature to contribute to the extension's subservience to the host dwelling. Furthermore, the roof's colour finish is not dissimilar to the colour of the slate on the surrounding dwellings roofs.
15. The stone coursing of the extension's front and sides is not the same as used on the host dwelling, but this again contributes to the subservient nature of the outbuilding. While the Council refers to red brick also being used in the extension's construction, none was visually obvious during my site visit. In my judgement the extension is constructed of high quality materials that are sympathetic to its surroundings.
16. As already set out above, the materials of the original outbuilding are not discernible from within the host property, and they are largely obscured by the fence from No20. Only a low fence exists between No22 and No24, so the side wall of the original outbuilding is visible when in the garden serving No24. Only an oblique view would however be achievable from within No24 and I therefore find any visual detriment caused by the mismatch of facing materials to the occupiers of No24 to be negligible.
17. I saw the materials of the original outbuilding in conjunction with the natural stone of the extension can be glimpsed between 16 and 18 Myrtle Grove. However, this is a long distance view over the rear gardens of neighbouring properties. I therefore find the extension has no significant effect on the street scene.
18. The statutory planning system provides for retrospective planning permission to be granted, if appropriate, and the enforcement regime is remedial, not punitive. While building works on the extension have been undertaken without the benefit of planning permission, that of itself is not a reason to refuse planning permission.
19. Overall, I find the extended outbuilding to be subservient to the footprint and scale of the host dwelling and that a reasonable private amenity space is maintained. The extension is not an incongruous feature and does not have a detrimental impact on visual amenity or the character of neighbouring properties or the immediate area. The development therefore accords with policy LP24 of the Kirklees Local Plan Strategy and Policies (February 2019).

Overall Conclusion

20. For the reasons given above, I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the development as described in the notice. The enforcement notice will be quashed.

M Madge

INSPECTOR