



Appeal Decision

Site visit made on 14 July 2026

by **R Hitchcock BSc DipCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 July 2026

Appeal Ref: APP/U2750/X/25/3359984

6 Aireview Terrace, Broughton Road, SKIPTON, BD23 1RX

- 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 development (LDC).
- The appeal is made by Mr Benjamin Guy against the decision of North Yorkshire Council.
- The application ref ZA24/26428/CPL, dated 15 October 2024, was refused by notice dated 20 November 2024.
- The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 (as amended).
- The development for which a certificate of lawful development is sought is 'Proposed dormer extension to rear facing roof slope of 3-bedroom mid-terraced house'.

Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful development describing the proposed operation which is found to be lawful.

Applications for costs

2. An application for costs was submitted by Mr Benjamin Guy against North Yorkshire Council. That application is the subject of a separate decision.

Main Issue

3. The main issue is whether or not the proposed dormer would meet the criteria cited at paragraph B.1.(c) of Class B, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).

Reasons

4. In conjunction with Article 3(1), Class B of the GPDO grants planning permission for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof. Development under this Class is subject to the limitations set out in Paragraph B.1 and conditions in Paragraph B.2.
5. There is no dispute between the main parties that the development shown on the plans submitted with the application would meet those limitations and conditions save for that specified in Paragraph B.1.(c). It states:

[Development is not permitted by Class B 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.

6. While the Council's Decision Notice does not elucidate on why the LDC was refused, the officer report clarifies that their reading of Paragraph B.1.(c) interpreted the limitation as being one where the extension would be on a roof slope either forming part of the principal elevation, or one which fronts a highway.
7. As the rear elevation faces the tow path of the Leeds-Liverpool Canal to the north of the property, the Council considered the dormer in conflict with Paragraph B.1.(c) because the tow path was a 'highway' for the purposes of the GPDO. The officer report confirmed that the rear (north) elevation was not the principal elevation.
8. On fair reading, the words could be construed as requiring both of the criteria set out in paragraph B.1.(c) to be met separately. However, given the sentence structure, the 'and' conjunctive, absence of punctuation, and supporting advice in 'Permitted development rights for householders Technical Guidance' [Sept 2019] (the guidance), the Council's interpretation was probably wrong. As the applicant highlights, if the Council's approach were intended, the conjunctive 'or' would be utilised rather than 'and'.
9. The guidance explains – 'The effect of this is that dormer windows as part of a loft conversion, or any other enlargement of the roof space, are not permitted development on a principal elevation that fronts a highway and will therefore require an application for planning permission'. That aide to interpretation of the GPDO makes it clear that the criteria at Class B.1 (c) refers to the combination of both elements as a single limiting criteria.
10. In support of the appeal, the appellant refers to previous decisions made by the Council for similar developments under the terms of the GPDO or its earlier iterations. LDCs¹ were granted for examples at 16 Midland Street and 74 Broughton Road, which have rear roof slopes facing onto surfaced rear alleyways. Those examples demonstrate an interpretation that a roof slope facing a highway was not alone sufficient to discount the Class B provisions. It is unclear why the Council departed from that consistent approach in this case.
11. The appellant also referred to a dormer extension to the rear of 32 Airefield Terrace. However, as that faces an adjacent terrace and associated gardens, with only an unsurfaced driveway in between, the circumstances of that development are distinct.
12. The Council highlight that the guidance refers to instances where a building might appear to have more than one elevation characteristic of a principal elevation. The Council suggests that the degree of prominence of the rear elevation would be characteristic of a principal elevation. However, the guidance² is clear that a view must be taken to establish only one principal elevation. Having described an integral front porch and a rear extension in the site assessment, the officer report was very clear that the roof slope facing the canal was not part of the principal elevation.
13. Taking the above matters together, I find the Council's misapplication of the limitation at Paragraph B.1.(c) was incorrect and, all other matters agreed between

¹¹ 63/2014/14779 and 2019/20359/CPL respectively

² The Permitted development rights for householders Technical Guidance p7

the main parties, the development shown on the proposed plans is permitted development under the terms of the GPDO.

Other Matters

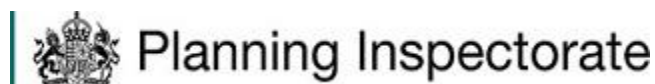
14. I note that the Council have provided a number of proposed conditions in the event that the appeal is allowed. However, those conditions are not applicable to development permitted under the terms and conditions of the GPDO.

Conclusion

15. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful development for a proposed dormer extension to the rear facing roof slope is not well-founded and that the appeal should succeed. I will exercise accordingly the powers transferred to me in section 195(2) of the 1990 Act (as amended).

R Hitchcock

INSPECTOR



Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 15 October 2024 the operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red on the plan attached to this certificate, was lawful within the meaning of section 192(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

The proposed dormer would be permitted development by virtue of Article 3(1) and Class B, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Signed

R Hitchcock

Inspector

Date: 22 July 2026

Reference: APP/U2750/X/25/3359984

First Schedule

‘Proposed dormer extension to rear (north) facing roof slope of 3-bedroom mid-terraced house’ shown on plan references:

Proposed Block Plan (Drawing No. 24002-210)

Proposed Ground Floor Plan (Drawing No. 24002-211)

Proposed First Floor Plan (Drawing No. 24002-212)

Proposed Attic Plan (Drawing No. 24002-213).

Proposed Roof Plan (Drawing No. 24002-214)

Proposed Front Elevation (Drawing No. 24002-215)

Proposed Rear Elevation (Drawing No. 24002-216)

Proposed Section A-A (Drawing No. 24002-217)

Proposed Section B-B (Drawing No. 24002-218)

Dormer Volume Calculations (Drawing No. 24002-219)

Second Schedule

Land at 6 Aireview Terrace, Broughton Road, SKIPTON, BD23 1RX

IMPORTANT NOTES – SEE OVER

NOTES

This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).

It certifies that the operations described in the First Schedule taking place on the land specified in the Second Schedule were lawful, on the certified date and, thus, were not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

Plan

This is the plan referred to in the Lawful Development Certificate dated: 22 July 2026

by R Hitchcock

Land at: 6 Aireview Terrace, Broughton Road, SKIPTON, BD23 1RX

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Scale: Not to Scale

