



Appeal Decision

Site visit made on 4 December 2025

by **J D Clark BA (Hons) DpTRP MCD DMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 December 2025

Appeal Ref: 6001184

21 Kertland Street, Savile Town, Kiklees, Dewsbury WF12 9PU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Tahir Sadiq against the decision of Kirklees Metropolitan Council.
 - The application Ref is 2025/62/91380/E.
 - The development proposed is first floor and roof extension including additional storey. Re-submission.
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Appeal Ref: 6001183

19 Kertland Street, Savile Town, Kirklees, Dewsbury WF12 9PU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Tahir Sadiq against the decision of Kirklees Metropolitan Council.
 - The application Ref is 2025/62/91379/E.
 - The development proposed is first floor and roof extension including additional storey. Amended Submission.
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Decision - Appeal A Ref: 6001184

1. The appeal is dismissed.

Decision - Appeal B Ref: 6001183

2. The appeal is dismissed.

Preliminary Matters

3. A consultation draft of the National Planning Policy Framework (the Framework) was published on 16 December 2025 but given that this is only at the consultation stage I do not consider it necessary to invite comments from the parties at this early stage. Any reference to the Framework is based on the current version, dated December 2024.
4. As set out above there are two appeals on neighbouring properties. Each proposal is similar but I have considered each appeal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.

Main Issue

5. The main issue for both appeals is the effect of the proposal on the character and appearance of the host property, the terrace and the surrounding area.

Reasons

6. Kertland Street comprises rows of two-storey terraced houses on each side of the street. There is a mosque at the end of the street but otherwise, the stone faced residential properties present a close knit development located close to the back of the pavement. The proposals include adding a storey to each property as well as first floor rear extensions.
7. There is an access to the rear between Kertland Street and Grosvenor Street and from this viewpoint, it is evident that a number of the houses both on Kertland Street and Grosvenor Street have been extended to the rear. Some of the houses in Grosvenor Street also have been extended upwards by adding an additional storey. The types of extensions proposed to Nos 19 and 21 can also be found in the surrounding streets.
8. However, from Kertland Street, the character of the houses is that of modest two-storey houses. There is a uniformity in the terrace and a cohesiveness in the traditional design. Adding an additional storey to one or both of these properties would significantly affect the harmony created by the existing appearance of the terrace. This has already been severely affected in Grosvenor Street by the extensions there. I also note similar upward extension elsewhere in the surrounding streets. Replicating them in Kertland Street would significantly undermine the original character of the host properties, the terrace as a whole and the surrounding areas.
9. Although the plans show each of these proposals separately and there is nothing before me to illustrate them together, the effect of both scenarios is clear. I therefore find that the additional storey to these houses, both individually and collectively, would be harmful.
10. The Council has indicated that first floor extensions may be acceptable and I agree depending on the roof design. However, the proposals do not indicate how this would be achieved and so the proposal is unacceptable, in each case, in their entirety.
11. I therefore conclude that the proposals in both **Appeal A** and **Appeal B** would have a harmful effect on the character and appearance of the host property, the terrace and the surrounding area. This would conflict with Local Plan¹ Policy LP24 and Key Design Principles 1 and 2 of the Council SPD². Collectively these promote good design, stating that this should be at the core of all proposals in the district with all development respecting and enhancing the character of the townscape and be in keeping with the original house. Furthermore, the promotion of good design and achieving well designed places is fundamental to the aims of the planning process as set out in Chapter 12 of the Framework. The proposals would seriously conflict with this.

Other Matters

12. The appellant states that the Council does not have a five year supply of housing land as required by the National Planning Policy Framework. The Council is silent on this matter. However, I accept that a shortfall may mean that there are less houses available for the occupiers of either property to move into. However, I have

¹ Kirklees Council – Kirklees Local Plan – Kirklees Local Plan Strategy and Policies Adopted 27 February 2019.

² Kirklees Council – House Extensions and Alterations SPD June 2021.

no information about the make-up of such under-provision in terms of whether there is a demonstrable shortfall of large houses. The works proposed to both No 19 and No 21 would not affect the supply of homes numerically and in the absence of any substantive evidence as to how these proposals could help any undersupply, this matter carries limited weight.

13. **Appeal A:** The appellant points out that searches for larger and more suitable accommodation for a growing family over the past five years has been unsuccessful. Given the housing crisis, budget restraints and in order to avoid disrupting children's education, extending the existing house along the lines of others in the area appears a better option.
14. Furthermore, one of the occupants has difficulty using facilities on different levels and so accommodation on one level would allow him to have a bathroom and living accommodation without having to negotiate stairs. The additional space would assist the personal health issues of the occupier and help the needs of the family day to day.
15. The submitted plans indicate that there would be no change to the ground floor but the first floor would have a larger bedroom (bedroom 01) and a re-positioned separate shower room. The second new floor would provide a large bedroom (bedroom 03) with an en-suite. I accept that the proposal would provide enlarged family accommodation and the enlarged bedrooms on either the first or second floors would provide bedroom and bathroom facilities on one floor. However, the layout would still mean that the occupant with the particular needs would still have to negotiate stairs to an upper level and use living and kitchen facilities on the ground floor.
16. Whilst this does not seem ideal, it is not for me to judge what accommodation would make it easier for this occupier. However, the evidence before me is not so convincing as a special circumstance to allow a development that I have found unacceptable for the reasons outlined above. Notwithstanding this, whilst personal circumstances are a material consideration, they rarely carry sufficient weight to overcome the scale of harm I have identified in this case. The case put forward for Appeal A does not therefore convince me to come to a different conclusion.
17. **Appeal B:** The appellant owns and resides at No 19 along with his wife, children and mother. With a growing family and the need for separate sleeping accommodation for boys and girls, they need more space. The family have lived in this area all their lives and extending the property would cause minimum disruption to the children's schooling and family life, including attendance at the local mosque at the end of Kertland Street. Like others in the area, the appellant has looked to extend the property in a similar fashion to those in the surrounding streets.
18. As well as meeting the needs of the rest of the family, the appellant's mother requires additional assistance due to her age and health. In particular due to particularly poor health, she has difficulty manoeuvring around the house and struggles with the stairs and bathing. The accommodation would enable her to have a bedroom/living space and bathroom on the same level without the need to navigate stairs in the middle of the night.
19. The accommodation proposed would include an enlarged bedroom (bedroom 01) and separate shower room on the first floor and a large bedroom and en-suite on the second floor (bedroom 03). This would certainly improve her living conditions

in terms of sleeping and bathroom facilities although it would not negate the need to negotiate stairs to utilise the family living space including the kitchen.

20. I appreciate that the proposal would both improve the living accommodation for a growing family and help the night-time accommodation for the appellant's mother. However, whilst these personal circumstances are a material consideration in my assessment, they are not sufficient to overcome the harm the proposal would cause as identified above. I accept that finding accommodation to suit the needs of a growing family and an elderly relative in poor health can be extremely difficult but the case put forward for Appeal B does not convince me to come to a different conclusion.
21. For **Appeal A** and **Appeal B** I realise that the presence of other similar proposals should weigh in their favour but for the reasons I have explained, I do not consider that introducing such proposals, in particular the additional storey, in Kertland Street where currently there are none, would be harmful as I have set out above.

Conclusion

22. The proposal conflicts with the development plan and the material considerations do not indicate that the appeals should be decided other than in accordance with it. Consequently, for the above reasons, Appeal A and Appeal B should be dismissed.

J D Clark

INSPECTOR