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## Appeal Decision

Site visit made on 2 April 2025

by **F Rafiq BSc (Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 April 2025

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**Appeal Ref: APP/Z4718/W/24/3347125**

**Sada E Madina, 38a-40 Thorne Road, Thornton Lodge, Huddersfield HD1 3JJ**

- 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 Usaamah Mansur (Al Ittihaf) against the decision of Kirklees Council.
  - The application Ref is 2024/62/90232/W.
  - The development proposed is the erection of side extension and rear dormer.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. I have utilised the description of development from the decision notice as this more succinctly describes the proposal.

### Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host building and the area.

### Reasons

4. The appeal property comprises of a detached commercial property situated on the corner of Thorne Road and Moorbottom Road. The surrounding area mainly comprises of terraced housing, set back a short distance from the highway and formed predominantly of stone walling material. This built form contributes to a close-knit residential character, although the varying topography provides for wider views of the surrounding townscape.
5. The proposed side extension would continue the ridge line of the nearest part of the existing building, with no setbacks from the front or rear elevations. It would not appear subservient to the existing building, but in an area the contains long terraced rows, including directly opposite the appeal site on Thorne Road, I do not consider this lack of subservience to be harmful in this instance. Similarly, the extended building would project past the building line of the nearest properties that are situated broadly to the north of the site and be set close to the boundary wall. However, given the curvature of Moorbottom Road and some properties along it being set at differing distances from the road, the size and scale of the side extension would not detract from the host building and nor would it appear cramped in an area characterised by tight knit terraced rows that provide enclosure to the streetscene.

6. A rear dormer is also proposed, which would extend over part of the existing building and the proposed side extension. With a width of over 10m, it would be of a considerable size, and it would therefore appear as an incongruous addition to the building. Its flat roof form would also be at odds with the predominantly pitched roof form of the surrounding properties. Although the dormer would be concealed from views along parts of Moorbottom Road, the corner location of the appeal site would mean that the dormer would be seen in close range views from this road where it would appear visually harmful.
7. Solar panels are also proposed which would cover an extensive area of the front roofslope of the existing building and the proposed side extension. Whilst they would be clearly visible due to their intended front siting, and are not a common feature in the area, they would nevertheless have a slim profile and be arranged to follow the roof plane. As such, and given the dark appearance of the proposed panels, I do not consider the solar panels would be unsympathetic additions.
8. However, for the reasons set out above, I conclude that the proposed dormer would have an unacceptable harmful effect on the character and appearance of the host building and the area. As such, it would conflict with Policies LP1, LP2 and LP24 of the Kirklees Local Plan Strategy and Policies and Paragraph 135 of the National Planning Policy Framework (Framework), which seek, amongst other matters, development of a good design that is sympathetic to local character.

#### **Other Matters**

9. The proposal would support an established business that provides an important local service, enabling it to be expanded and supporting economic growth. It would also make effective use of a site that is already developed. The proposed solar panels would provide electricity from a renewable source and would deliver cost saving benefits as well as reducing use of fossil fuels. The use of insulation, triple glazing and other measures would also enhance resilience to climate change and weighs in favour of the development. These matters would not however outweigh the harm that I have identified in relation to the main issue.
10. The appeal proposal would not have an adverse impact on the living conditions of neighbouring residential occupiers nor on highway safety. It would also be acceptable in relation to land contamination, does not impact on any heritage assets and satisfies the requirements for development in an out of centre location. These are however neutral considerations and not ones which weigh in favour of the development.
11. Reference has been made to an approval for a large container on the appeal site. Although this would be an industrial feature in an otherwise largely residential setting, from the information provided, the container would be of a smaller scale than the proposal and did not feature a rear dormer. As such, it would not be comparable to the proposed development.

#### **Conclusion**

12. I conclude that the proposal would not accord with the development plan as a whole, and there are no other considerations, including the Framework, that indicate that I should take a decision other than in accordance with this. I conclude that the appeal should be dismissed.

*F Rafiq* INSPECTOR