
Appeal Decision

Site visit made on 5 December 2016

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12th December 2016

Appeal Ref: APP/A4710/D/16/3157887

Althorpe, Norland Road, Greetland, Halifax HX4 8PT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Whitehill against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 16/00563/HSE, dated 8 April 2016, was refused by notice dated 24 June 2016.
 - The development proposed is a first floor extension including internal and external alterations.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor extension including internal and external alterations at Althorpe, Norland Road, Greetland, Halifax HX4 8PT in accordance with the terms of the application, Ref 16/00563/HSE, dated 8 April 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Existing and proposed Plans and Elevations Drawing No 2133-16-03 Rev D.
 - 3) No development shall commence until samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved samples.

Procedural Matter

2. The appellant has indicated that an amended plan that reduced the height to the eaves was submitted to the Council before the application was determined. It appears that the Council considered the amendment and I have done likewise in determining the appeal.

Main Issues

3. The main issues in the appeal are:
 - Whether or not the proposal would be inappropriate development in the Green Belt for the purposes of the development plan and the *National Planning Policy Framework* (the Framework);
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- The effect of the proposal on the openness of the Green Belt;
- The effect of the proposal on the character and appearance of the area; and
- If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether inappropriate development and openness

4. Paragraphs 89 and 90 of the Framework set out the forms of development that are not inappropriate within the Green Belt. These include the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building. Policy GNE1 of the *Calderdale Unitary Development Plan (adopted August 2006)* (CUDP) seeks to restrain development outside the urban areas through the general extent of the Green Belt.
5. The Framework does not provide a definition of what constitutes a disproportionate addition, and the Council have not given any indication that there is any local policy that provides guidance on this matter either. As such, this is a matter of judgement for the decision maker.
6. The proposal would not result in any increase to the footprint, but it would increase the volume of the dwelling. The Council have indicated that the proposal would represent a 42% increase in volume in relation to the original dwelling. This is disputed by the appellant who indicates that on the basis of the amended plans the increase in volume is 35%.
7. Given these disputed figures, I have determined the appeal on the basis of the plans before me, and what I observed on my site visit. The proposed extension would sit above the existing single storey element of the dwelling. The proposal would reduce the height to both the ridge and eaves of the existing two storey element that currently appears out of proportion with the rest of the dwelling. It would also remove the unsympathetic porch to the front of the dwelling, and would set back slightly the “central” section of the front elevation.
8. Although the extension would significantly alter the appearance of the dwelling, it would improve its overall proportions. The increase in volume would not appear excessive, and the scale and mass of the resulting dwelling would not be unreasonably increased. Therefore, I consider that the extension would not represent a disproportionate addition to the property. As a result, I consider that the proposal would not be inappropriate development in the Green Belt. Consequently, the appeal scheme would not be contrary to the Framework, or to Policy GNE1 of the CUDP.
9. Bearing in mind the recent Court of Appeal judgement¹, and in the light of this conclusion, as the effect of development on openness is not expressly stated as a determinative factor in gauging inappropriateness for proposals that fall

¹ Lee Valley Regional Park Authority, R (on the application of) v Epping Forest District Council & Anor (Rev 1) [2016] EWCA Civ 404

under the third bullet point of paragraph 89 of the Framework, there is no requirement for me to separately assess the impact of the development on the openness of the Green Belt.

10. I note the conclusions of the Inspector² dealing with an appeal for a previous extension at the property. I do not have the full details of this scheme, but I understand that the extension proposed at that time was significantly larger than proposed here, and it was concluded that it represented inappropriate development. As such its circumstances are materially different to those which apply now.

Character and Appearance

11. The CUDP designates the countryside in which the appeal property lies as part of the Special Landscape Area (SLA). In such areas Policy NE12 seeks to ensure that development does not have an adverse impact on the landscape quality. Whilst this policy pre-dates the Framework, it broadly accords with the aim of the Framework (paragraph 109) that the planning system should contribute, and enhance, the natural and local environment by, amongst other things, protecting and enhancing valued landscapes.
12. The existing two storey element of the dwelling is out of proportion with the single storey part of the house. This together, with the uncharacteristic use of render and brick for the dwelling, makes it an incongruous and prominent feature in the area. The proposal would reduce the height of the property, which would not only reduce its prominence, but would result in a more sympathetic relationship between the host property and the adjacent bungalow. In addition, the change in materials to natural stone would result in a dwelling that was far more in keeping with the area.
13. Whilst the extension would increase the mass of the dwelling, overall the extension, and alterations to the existing house, would result in a dwelling that was more balanced in its appearance than the existing house. Consequently, I consider that the appeal scheme would be beneficial to the visual quality of the area, and would result in a dwelling that makes a positive contribution to the visual amenity of the countryside, unlike the existing building.
14. As a result the proposal would not have an unacceptable impact on the character and appearance of the area. Therefore, it would accord with Policy NE12 and also with Policy BE12 of the CUDP which seek to ensure that development contributes to, or at least maintains, the quality of the existing environment.

Conclusion and Conditions

15. For the reasons set out above I conclude the appeal should be allowed. In addition to the standard implementation condition, I have imposed a condition specifying the relevant plans, as this provides certainty. In the interests of the character and appearance of the area a condition is required to control the external appearance of the extension.

Alison Partington

INSPECTOR

² Appeal Reference APP/A4710/D/08/2087852