

Appeal Decision

Site visit made on 7 December 2016

by V Lucas-Gosnold LLB MCD MRTPI

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

Decision date: 20th December 2016

Appeal Ref: APP/A4710/D/16/3159749

Ingleboro, Krumlin Road, Barkisland, HX4 0AX

- 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 Ryan Duffy against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 16/00758/HSE, dated 4 March 2016, was refused by notice dated 1 August 2016.
 - The development proposed is a two storey side and single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey side and single storey rear extension at Ingleboro, Krumlin Road, Barkisland, HX4 0AX in accordance with the terms of the application, Ref 16/00758/HSE, dated 4 March 2016, subject to the conditions set out in the Schedule attached to this Decision.

Procedural Matters

2. The description of the development proposed in the above banner heading reflects that used in the Council's decision notice and by the appellant in their grounds of appeal rather than the original application form so as to be clear that a single storey rear extension also forms part of the appeal scheme.
3. Amended plans were submitted during the Council's consideration of the original application. The Council determined the proposal on the basis of the amended plans and so shall I.

Main Issues

4. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to any relevant development plan policies and the National Planning Policy Framework (Framework);
 - The effect of the proposal on the landscape character and visual amenity of the Special Landscape Area (SLA); and
 - If the proposal would be 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.
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Reasons

Whether inappropriate development

5. 'Ingleboro' is an end of terrace, two storey dwelling situated within a small group of houses along Krumlin Road. The appeal proposal would see the construction of a two storey side and single storey rear extension. The appeal site is within the Green Belt.
6. Policy GNE1 of the Replacement Calderdale Unitary Development Plan (UDP) seeks to restrain development outside the urban areas through the general extent of the Green Belt.
7. Paragraph 89 of National Planning Policy Framework (Framework) states that the construction of new buildings in the Green Belt should be regarded as inappropriate. Exceptions to this are defined within the paragraph and 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.
8. The overall aim of local policy in seeking to restrict new development in the Green Belt is generally consistent with the Framework. However, in the absence of specific criteria or exceptions to this approach being defined within the local policy I shall primarily have regard to national policy in my determination of this appeal in accordance with paragraph 215 of the Framework.
9. There is an existing single storey rear extension at the appeal property which extends along the width of the main rear elevation. At the side of the dwelling is a small pathway leading to the rear garden, an area of grass and a small shed. The appeal proposal would see the appeal dwelling extended to the side at two storey level where the small pathway currently is. So the scheme would sit flush with the existing rear extension it is also proposed to extend to the rear at single storey level.
10. There is an extant planning permission for a two storey side storey extension at the appeal property. That scheme represented an 88% volume increase over and above the size of the original building. This scheme has not yet been implemented. The appeal proposal before me seeks an additional single storey element. As a result, the appeal scheme would represent an increase in volume of 103% above that of the original building, taking into account the existing rear extension and the extant side extension scheme.
11. Neither local or national policy specifically defines what would amount to 'disproportionate additions' in the context of extensions to existing dwellings in the Green Belt. There is currently a gap between the side of the existing dwelling and the side boundary through which views of the landscape beyond can be seen and this does make a very modest contribution to the visual amenity and openness of the Green Belt. However the side extension, once constructed, would be situated in this location and views through the gap would therefore be reduced in any event as a consequence. There is no specific evidence before me to indicate that the appellant does not intend to construct the two storey side extension. A

neighbouring dwelling has also constructed a side extension which is similar in scale.

12. In this case, the actual volume difference between the previously approved 2016 two side extension scheme and this appeal proposal before me is approximately 15%, which is relatively small scale. The small proposed rear element that forms part of this appeal proposal would be screened from view to the front by the bulk of the side extension once constructed and from the rear, would be seen within the context of the existing residential development. For these reasons, whilst there would be a slight increase in the level of built development at the appeal property when compared with the extant scheme, given the small scale difference involved, any additional harm to the openness or visual amenity of the Green Belt would not be significantly harmful.
13. Accordingly, I conclude on this issue that the appeal proposal would not be inappropriate development in the Green Belt as described in paragraph 89 of the Framework. The proposal would therefore not conflict with policy GNE1 of the UDP of paragraph 89 of the Framework.

Landscape character and visual amenity

14. The appeal site is within a Special Landscape Area (SLA) as defined within the UDP. The row of dwellings within which 'Ingelboro' is situated sit at the top of a hill and the land to the rear falls away steeply to a valley bottom before rising again steeply to form hills that frame the skyline when viewed from the rear of the appeal dwelling. Whilst farms, dwellings and a nearby town are visible, the character of the area is that of a rural landscape defined by grand, sweeping panoramic views of steep hills and valleys.
15. Policy NE12 of the UDP seeks to ensure that within the SLA, new development that would adversely affect landscape quality will not be permitted. The policy refers specifically to siting, materials and design of the new development. Other than the proposed bulk of the scheme, the Council have not identified specific concerns in these respects.
16. The appeal dwelling is situated at the top of a hill and is visible from viewpoints to the rear. However, it is seen within the context of the residential development within which it is situated. The proposed materials and design would reflect those of the existing dwelling. Given the small scale nature of the development proposed and the fact that it is situated within a row of houses, I consider that the effect of the proposal on the wider landscape quality would not be significantly harmful.
17. Accordingly, I conclude on this main issue that the development proposed would not be harmful to the landscape character or visual amenity of the area. The proposal would therefore not conflict with policy NE12 and policy BE1 of the UDP seek to ensure that within the SLA development that would adversely affect landscape quality will not be permitted; and that development proposals should make a positive contribution to the existing environment.

Other considerations

18. As I have concluded that the appeal proposal would not be inappropriate development, it is not necessary for me to go on to consider this matter.

Other Matters

19. Issues regarding access, driveways and the detailed extent of boundaries are private matters not relevant to my determination of this planning appeal.
20. Given the design of the proposal, specifically the siting of proposed windows, and the separation distances involved, I am satisfied that the proposal would not be harmful to the living conditions of neighbouring occupants.

Conclusion and Conditions

21. Accordingly, for the reasons given above, I have concluded that the development proposed would not be inappropriate development in the Green Belt and that it would not be harmful to the landscape character or visual amenity of the area. I therefore conclude that the appeal should be allowed.
22. I have considered the Council's suggested conditions in line with the advice in the Framework and the Planning Practice Guidance (PPG).
23. I have attached a commencement condition and a condition requiring the development to be carried out in accordance with the submitted plans, to define the terms of this permission and for the avoidance of doubt.
24. I have also attached a condition requiring the materials to be used in the construction of the external surfaces of the extension to match those of the existing dwelling to ensure there will be no harm to the character or appearance of the area. A condition is also required to ensure that no windows or other openings are formed within the south elevation facing towards the neighbouring dwelling, 'Penshurst' to ensure there would be no harm to the living conditions of neighbouring occupants, with particular regard to privacy.
25. The Council officer's report refers to a suggested condition regarding bats as the appeal dwelling is within a bat alert area. However, this was not included on the Council's list of suggested conditions at appeal stage and there is no specific information before me to suggest that bats are present on the site or within the area close to the appeal property. On that basis, there is insufficient evidence before me to justify that such a condition is necessary.

V Lucas-Gosnold

INSPECTOR

SCHEDULE OF 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: RL 1307 (Location plan); 1307-16-003

Revision A (Side extension existing plans & elevations);1307-16-002
Revision H (Side extension proposed plans & elevations).

- 3) Before it is first brought into use, the development hereby permitted shall be constructed of natural facing and roofing materials to match the existing building, in terms of colour, texture, coursing and method of pointing, and shall be so retained thereafter.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and any order revoking and re-enacting the order) no windows or other openings shall be formed in the south elevation of the extensions facing 'Penshurst' without the prior written permission of the Local Planning Authority.
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