
Appeal Decision

Site visit made on 2 May 2017

by J C Clarke BSc(Hons) BTP MRTPI

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

Decision date: 31 May 2017

Appeal Ref: APP/Z4718/D/17/3171776

Mouse House, Stringer House Lane, Emley Moor, Huddersfield, HD8 9SU

- 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 Dr K Deakin against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2016/62/94170/E, dated 7 December 2016, was refused by notice dated 1 February 2017.
 - The development proposed is described as 'Single storey side extension. Single storey rear extension'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (a) whether the proposed development would constitute inappropriate development in the Green Belt;
 - (b) the effect of the proposed development on the character and appearance of the host property and the surrounding area; and
 - (c) If the proposal would be inappropriate development in the Green Belt, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate development

3. Paragraph 89 of the National Planning Policy Framework (the 'Framework') establishes that the erection of new buildings in the Green Belt is, subject to specified exceptions set out in its 6 bullet points, inappropriate.
 4. Under bullet point 3 of paragraph 89, the extension or alteration of an existing building is not inappropriate provided that it does not result in disproportionate additions over and above the size of the original building. The evidence before me indicates that the appeal dwelling has been substantially extended in the past, including through the implementation of planning permission 99/90813, which included a 2 storey side extension, porch and sun lounge.
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5. The current appeal proposal includes two extensions which would be collectively of a more modest scale than the earlier extensions. However, the Council has identified, and the appellant not refuted, that, in conjunction with the earlier extensions, the proposal would result in the footprint of the building exceeding that of the original by about 270% and the volume of the building being about double that of the original.
6. Having regard to these points, the proposal would result in a disproportionate increase in the size of the original building. It would constitute inappropriate development in the Green Belt as defined in the Framework and saved policy D11 of the Kirklees Unitary Development Plan (KUDP).

Character and appearance

7. The appeal dwelling is a semi-detached house built in stone and set within rolling countryside. It can be seen in views from Crawshaw Lane to the west and Stringer House Lane.
8. The proposed dining room extension would project outwards at ground floor level from the gable of the house and have a mono pitched roof. The kitchen extension would project out from part of the rear elevation and be supplemented by a porch with ridged roof projecting at 90 degrees to the orientation of the house.
9. Although the dwelling is likely to have had a simple original built form, this has been affected by the existing extensions referred to earlier in my decision. I also note that the walls of the extensions now proposed would be built using natural stone to match that used on the existing house.
10. However, the proposal would, primarily by adding further to the already considerable number of different wall and roof elements of the building, add materially to its overall complexity of built form. This would add further visual confusion and take the building further away from its likely original character as a simple, traditional Yorkshire house. Whilst I accept that many traditional houses of a similar nature to the appeal dwelling may have lost some or all of their original character, this does not mean that the appeal proposal would not cause harm in relation to this issue. The added complexity of built form would also be noticeable in views from the nearby area.
11. I conclude that the proposal would cause moderate harm to the character and appearance of the host property and the surrounding area. As a result its approval would conflict with the relevant provisions of policies D11, BE1, BE2, BE13 and BE14 of the KUDP and the Framework.

Other considerations

12. In support of the proposal, the appellant has drawn my attention to prior approval 2016/93120, granted in 2016 for the erection of a single storey extension at the rear of the appeal dwelling. That extension, if built, would project 6 metres from the rear wall of the dwelling, and have a large expanse of flat roof. I agree that the extension subject to approval 2016/93120 would cause at least as much harm as the appeal proposal to the openness of the Green Belt and the character and appearance of the property and the surrounding area. I also note that the extension subject to approval 2016/93120 would be located next to the boundary with the neighbouring dwelling.

13. However, the living room extension forming part of the appeal proposal would not encroach within the area of the extension subject to approval 2016/93120. It could therefore be built in addition to that other extension.
14. The appellant has indicated that he would accept a condition on any planning permission for the appeal proposal to ensure that no extension to the rear of the building could be built under the 'prior approval' procedures. However, a planning condition cannot legally be used to revoke the planning permission which is provided for such extensions by the relevant legislation¹. Such a condition could not prevent implementation of a scheme subject to prior approval in advance of implementation of the appeal proposal. Whilst a planning obligation can in some circumstances be used to prevent implementation of a pre-existing planning permission on a particular site, no such obligation has been put before me.
15. Having regard to these points, I attribute only limited weight to the 'fall-back' position provided by prior approval 2016/93120 and the related legislation.
16. The extensions now proposed would help to meet the changing accommodation needs of the appellant. However, as any planning permission would run with the property this point carries only limited weight.
17. I acknowledge that no objections have been received to the appeal proposal from any interested party. However, this does not neutralise the harm that I have identified earlier.

Conclusions

18. Against the proposal, I have found that it would constitute inappropriate development in the Green Belt. Paragraph 87 of the Framework establishes that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 requires that substantial weight be given to such harm. In addition, the proposal would cause moderate harm to the character and appearance of the host property and the surrounding area.
19. Whilst the appellant has put forward other considerations in support of the proposal, these carry only limited combined weight. Consequently, I find that they would not clearly outweigh the harm that I have identified. Therefore, the very special circumstances needed to justify the development do not exist. The proposal would also not accord with the development plan or amount to sustainable development in the terms of the Framework.
20. For the reasons given above I conclude that the appeal should be dismissed.

Jonathan Clarke

INSPECTOR

¹ The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)