
Appeal Decision

Site visit made on 22 August 2017

by Louise Nurser BA (Hons) Dip UP MRTPI

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

Decision date: 4 September 2017

Appeal Ref: APP/Z4718/D/17/3179529

56 Lumb Lane, Almondbury, Huddersfield HD4 6SZ

- 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 A Ellis against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2017/62/90289/W, dated 23 January 2017, was refused by notice dated 5 June 2017.
 - The development proposed is WC/Store extension to ex garage.
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Decision

1. The appeal is allowed and planning permission is granted for WC/store extension to existing garage at 56 Lumb Lane, Almondbury, Huddersfield HD4 6SZ in accordance with the terms of the application, Ref 2017/62/90289/W, dated 23 January 2017, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: HD4.
 - 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.

Main Issues

2. The main issues in this case are; 1) whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies; 2) the effect of the proposed development on the setting of the host property and no. 54 both of which are Grade 2 listed buildings; and 3) if it 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 the development.

Reasons

Whether inappropriate development

3. The Government attaches great importance to the Green Belt. The Framework establishes within paragraph 89 that the construction of a new building as inappropriate unless, amongst other things, it involves the extension of a building. However, any such extension should not result in disproportionate additions over and above the size of the original building.
4. This is reflected in saved Policy D11 of the Kirklees Unitary Development Plan (UDP) 2007 which remains broadly consistent with the Framework.
5. The proposed extension to the garage would measure around 2.1 m, by 2.3 m and would be around 2.9 m high. Its ridge line would be lower, the rear elevation would be substantially narrower, and its width would be such that taken as a whole, the extension would appear subservient to the garage building and would therefore not be disproportionate.
6. I note the Council's concerns relating to the cumulative impact of the proposed extension, together with the garage and extensions which have already been built on the appeal site. Nonetheless, I conclude that the small scale of the extension is such that it would not result in disproportionate development. In coming to this conclusion, I am aware of the circumstances of the previous appeal on the site (APP/Z4782/W/15/3028112) where the Inspector concluded that even if he were to judge the appeal in the context of an extension to the host dwelling rather than as a new building, that the significant scale of development proposed would result in a disproportionate addition over and above the size of the original dwelling.
7. However, the proposed development, the subject of that appeal, was significantly larger than the permitted scheme¹, including the garage which has since been built. I note that the appeal proposal, albeit it is substantially smaller than that which has been permitted, and would not project out to the side, is to be built of stone and therefore would appear more solid. Nonetheless, the smaller extension would have considerably less impact than that permitted.
8. Consequently, as I have concluded that the appeal proposal would not be disproportionate development, it would be not inappropriate within the Green Belt. It would therefore accord with saved Policy D11 (UDP) and the policies of the Framework in this regard. As such, there is no need for me to consider its impact on openness.

Setting of the listed buildings

9. The appeal site is within the setting of numbers 56 and 54 Lumb Lane which are both Grade 2 listed buildings. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects the a listed building or its setting, to have regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.

¹ 2002/90073

10. No 56 Lumb Lane is a two storey hammer dressed stone property with a pitched stone roof. The main elevation facing Lumb Lane is defined by a strong horizontal emphasis derived from the stone mullioned windows at ground and first floor level. The two properties together with the stone garage which has been built in materials to match no 56 Lumb Lane appear as an isolated development within the open countryside.
11. From what I observed from my site visit, at which I took the opportunity to view the site from a number of viewpoints, including from public footpath HUD/166/10, the impact of the small extension to the garage would be to have no harm to the visual setting of the listed building and due to its subservient nature not result in cumulative harm.
12. I have come to this conclusion as the appeal proposal would be minor in scale, is of a simple form consistent with the garage and listed buildings, and would extend no farther back than the line of the rear of the two storey extension. In addition, the garage and two listed buildings are set behind a stone wall which due to the difference in levels between the fields which slope up behind the property and the small area of amenity space behind the properties, would partially screen the small extension to the garage which is to be built of matching materials. Therefore, whilst clearly the extension will be visible from some viewpoints, it will not adversely visually affect the setting of the listed buildings.
13. Consideration of impact on setting should not be restricted to whether the proposed development can be viewed from a public vantage point or has a visual impact. However, there is nothing before me to suggest that the minor extension would detract from the historic significance of the listed buildings.
14. Consequently, I conclude that the proposed extension, which would be minor in scale, would cause no harm. As such it would be consistent with the Planning Practice Guidance² and would not be contrary to the objectives of saved Policies BE1 and BE2 of the UDP, which require development to be of good quality and be respectful of its surroundings, and paragraph 132 of the Framework.

Conditions

15. For the avoidance of doubt and in the interests of proper planning I attach a condition clarifying the plans approved. As the proposed development is within the setting of two listed buildings it is vital that all external facing materials used match the existing garage and neighbouring properties. Therefore, I have imposed a condition requiring the approval of samples prior to construction.

Conclusion

16. For the reasons given above the appeal is allowed.

L. Nurser

INSPECTOR

² Planning Practice Guidance ID: 18a-017-20140306