



Appeal Decision

Site visit made on 31 January 2018

by Sarah Housden BA (Hons) BPI MRTPI

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

Decision date: 20 February 2018

Appeal Ref: APP/Z4718/D/17/3180068

2 Oldfield Road, Honley, Holmfirth HD9 6NN

- 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 Jordan Horrocks against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2017/62/90292/W, dated 23 January 2017, was refused by notice dated 7 July 2017.
 - The development proposed is 'demolition of single storey rear extension and outbuildings and erection of two storey rear extension and internal alterations'.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - Whether or not the proposed development is inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and the policies in the development plan;
 - The effect of the proposed development on the openness of the Green Belt;
 - The effect on the living conditions of adjoining occupiers, having particular regard to loss of outlook; and
 - If the development is inappropriate, whether the harm arising from 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.

Whether or not the proposal is inappropriate development in the Green Belt

3. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 89 of the Framework indicates that the construction of new buildings in the Green Belt should be regarded as inappropriate but states some exceptions. 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. The Framework does not set out a definition of a 'disproportionate' addition but 'original' is defined as 'a building

as it existed on 1 July 1948 or, if constructed after that date, as it was built originally'.

4. Saved Policy D11 of the Kirklees Unitary Development Plan (2007) (UDP) is broadly consistent with the provisions of the Framework in requiring that the existing building must remain the dominant element when extending buildings in the Green Belt. Whilst the appellant indicates that the Council uses a one-third increase in the volume of the original dwelling as a general guide to assess whether or not an extension would be a disproportionate addition, there is nothing further in the evidence to confirm this approach.
5. The proposed extension would increase the volume of the original dwelling by 85m³ allowing for the removal of the existing lean-to and outbuilding. Based on the appellant's 'best case' calculation this would represent a 34% increase in the volume of the original dwelling. However, the scale and massing of the proposed extension are also relevant factors in assessing whether or not the proposal would represent a disproportionate addition.
6. The ridge height of the proposed extension would be lower than the ridge of the host dwelling. However, by reason of its two storey height and width, the proposed extension would obscure most of the existing rear elevation. Due to the combination of its length and height from the lower ground level at the rear of the property, it would not be subordinate in scale or appearance to the original dwelling and would represent a disproportionate addition to it.
7. From vantage points to the rear of the property, the extension would be the dominant feature rather than the existing dwelling and this would not accord with the provisions of UDP saved Policy D11 outlined above. There would also be conflict with UDP saved Policy BE2 which indicates that extensions should be in keeping with surrounding development in terms of scale.
8. The proposal constitutes inappropriate development in the Green Belt, which would be contrary to the Framework and is, by definition, harmful. The harm arising from inappropriateness together with the conflict with the policies in the development plan attract substantial weight against the development.

Effect on openness

9. Paragraph 79 of the Framework advises that the essential characteristics of Green Belts are their openness and permanence. The appeal dwelling occupies an elevated position and the extension would be visible in longer distances from Long Lane. However, it would be seen in conjunction with the commercial buildings to the rear of the appeal site and with the adjoining dwellings in the row, some of which have also been extended to the rear. Having regard to the location of the site and the position of surrounding development, I conclude that the harm to the Green Belt arising from loss of openness would be limited and this aspect of the proposal would not conflict with UDP saved Policy D11.

The effect on the living conditions of adjoining occupiers

10. The outdoor area to the rear of the appeal property and No 3 Oldfield Road (No 3) is accessed via a shared passageway between the two properties. Its layout is somewhat unusual with No 3 having a fenced off area approximately 2 by 2 metres in size adjacent to its back wall for use in conjunction with the dwelling. The remainder of the area to the rear of No 3 is within the red line boundary of the appeal dwelling. The shared passageway also provides access to the rear

of Nos 4 and 5 Oldfield Road so other adjoining occupiers are likely to use the area to access their properties.

11. The fenced off area adjoining No 3 is too restricted in size for outdoor activities and other occupiers will be passing through the rest of the area to reach adjoining properties rather than using it for long periods of time. The proposed extension would be to the east of the outdoor area and any additional shadowing would be limited to the morning period. Both the ground floor and first floor windows in the rear elevation of No 3 are obscure glazed and the outlook from those windows would not be materially harmed by the appeal proposal.
12. For these reasons, I conclude that the proposed development would not cause material harm to the living conditions of adjoining occupiers from overbearing impact or loss of outlook. There would be no conflict with UDP saved Policy BE14 in so far as it seeks to avoid detrimental effects on adjoining dwellings and occupiers. Nor would there be conflict with the provisions of the Framework to secure a good standard of amenity for all existing and future occupants of land and buildings.

Other considerations

13. The Framework advises that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.
14. The appellant has referred me to an extant permission for a two storey extension to the rear of the adjoining property at No 1 Oldfield Road (No 1)¹. Although it would extend approximately 4.9 metres along the common boundary with the appeal property, the Council concluded that the proposal was not inappropriate development in the Green Belt. That is different from the case before me which I have assessed based on the circumstances of the site and the details of the proposed development. Accordingly the rear extension to No 1 confers limited weight in favour of the appeal scheme.
15. Class A of the General Permitted Development Order (2015)² includes Permitted Development Rights for single storey extensions. However, as the proposed extension would be two storey, Permitted Development Rights under Class A do not constitute a comparable fall-back position and afford no weight in favour of the appeal scheme.
16. The Council has not objected to the detailed design of the proposal. Although it has been referred to in the reasons for refusal, there would be no conflict with UDP saved Policy BE1 which amongst other things seeks good quality design. The extension would be constructed in high quality materials and would improve the somewhat untidy appearance of the existing lean-to and outbuilding. However, the current appearance of the site does not have any wider adverse impact due to the screening along the southern boundary and the position of adjoining buildings and this limits the benefits arising from this aspect of the proposal.

¹ Reference 2000/62/91891/W3

² Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 1 Class A

17. The improvements to the inconvenient access arrangements to the existing lean-to and outbuilding are essentially private matters and attract limited weight in favour of the scheme.

Conclusion

18. The Framework is clear that substantial weight must be given to any harm to the Green Belt. Whilst the harm arising from loss of openness would be limited and there would be no material harm to living conditions, the proposal would represent a disproportionate addition over and above the size of the original dwelling and would therefore amount to inappropriate development in the Green Belt. I give substantial weight to the harm, by definition, that this would cause.
19. Against this, the other considerations in favour of the proposal taken as a whole would not clearly outweigh the harm arising from inappropriateness and conflict with UDP saved Policies DE11 and BE2. Consequently, the very special circumstances necessary to justify the development do not exist and having had regard to all of the other matters raised, the appeal should be dismissed.

Sarah Housden

INSPECTOR