
Appeal Decision

Site visit made on 7 January 2020

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2020

Appeal Ref: APP/Z4718/D/19/3237344

Upper Edge Farm, Sledgate Lane, Slaithwaite, Huddersfield HD7 5TZ

- 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 & Mrs N & L Dooley against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2019/62/90931/W, dated 14 March 2019, was refused by notice dated 18 July 2019.
 - The development proposed is erection of first floor side and single storey rear extension
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The address of the appeal site on the application form relies on a grid reference and a description of the site location. The appeal form identifies the site with an address and a postcode and confirms that this is the appeal site. I have used this address in the banner heading above.
3. Although the appeal form indicates that the description of the development has not changed the description on the planning application form is not the same as the appeal form. The description on the planning application decision notice concisely expresses the development proposals and is consistent with the detail shown on the appeal plans. I have therefore used this description in the banner heading above and determined the development accordingly.

Main Issues

4. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - The effect of the proposal on the openness of the Green Belt and the character and appearance of the area; and
 - If the development is inappropriate, 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 the proposal would be inappropriate development in the Green Belt

5. The appeal site is in an open countryside location where development is sporadic and generally reflects the local vernacular of the area. The appeal property is a substantial detached house constructed of stone with stone slate roof. It has an attached single storey stone-built garage and outbuilding with metal sheeted roof. The property is accessed via Sledgate Lane, a narrow country lane which carries a public right of way. There are also public rights of way to the east and west of the appeal site.
6. Paragraph 145 of the Framework regards the construction of new buildings as inappropriate in the Green Belt with certain exceptions. These exceptions include extension or alteration of a building provided that the development does not result in disproportionate additions over and above the size of the original building. The original building is defined in the Framework as a building as it existed on the 1 July 1948, or if constructed after 1 July 1948, as it was built originally.
7. Policy LP57 of the Kirklees Local Plan Strategy and Policies adopted February 2019 (Local Plan) supports the extension, alteration or replacement of existing buildings in the Green Belt provided, among other things, the building remains the dominant element in terms of size and overall appearance and the design and materials have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt Setting.
8. The appellant states that the first-floor extension would result in a 12.5% volume increase when measured against the existing structure. The Council consider that the proposed development would result in an approximately 32% volume increase. The appellant's calculation is unlikely to be accurate as the rear extension is not included in it. However, neither party has provided figures as to how they have established the volume increase nor have the Council as part of Policy LP57 indicated what volume of extension would be likely to be disproportionate.
9. The text to Policy LP57 states that if building extensions are to be acceptable in the Green Belt it is essential that they should neither prejudice the open character of the Green Belt nor be disproportionate in relation to the host building. Further, it states that disproportionate additions will be deemed to be those where the original building is no longer the dominant element. I do not have any firm identification of what the original building was or precise measurements for the calculation of the volume of the original building. Nor is there agreement over the volume increase that is proposed (over the original building size) or a threshold over which the volume increase would be deemed disproportionate.
10. However, to my mind, whether the extension would be a disproportionate addition is also influenced by other factors such as the relationship of the extensions to the existing structure in terms of scale, form and mass.
11. The existing house has a long front elevation with relatively large window openings which accentuate the length of the building. The attached outbuilding is of a lower height and its fenestration detail reflects its use as a garage and workshop.

12. The side extension, as amended during the application process, proposes that the outbuilding be extended upwards. It would be designed in two sections. The area closest to the house would be extended upwards to a height just below the main house roof and roofed in stone slate. The garage door openings would be retained at ground level and new first-floor windows to the front elevation would reflect the size and design of the main house. The end section of the building would be treated in a different manner. The roof and walls would be clad in larch cladding. It would be extended upwards to a marginally lower height than the adjacent extended section with various window openings and roof lights giving a lighter more contemporary appearance. Both sections of the side extension would be flush with the front elevation of the main house.
13. The design of the scheme relies on the stepping down of the roof line and the change in the materials along the buildings length to create a subservient mass of development relative to the main house. However, I find that the treatment of the extension's elevations, the limited height difference between the extension and the existing house, and its siting flush with the front of the house, would result in an extension that would appear substantial. As designed, I consider the side extension would appear as a disproportionate addition over and above the size of the original building.
14. The extension of the conservatory to the rear of the building is designed in keeping with the existing conservatory. The simple lean-to form and use of glass and oak framing allows the extension to sit comfortably in the less prominent rear area and does not of itself result in a disproportionate addition to the building.
15. Nevertheless, the appeal scheme, as a whole, for the reasons set out above would be a disproportionate addition. It would therefore be inappropriate development for the purposes of the Framework which is, by definition, harmful to the Green Belt.

Openness and character and appearance of the Green Belt

16. The Framework advises that openness and permanence are the essential characteristics of the Green Belt. Openness is the absence of development and it has both spatial and visual aspects.
17. Spatially the scheme has a limited additional footprint restricted to the extension to the conservatory at the rear of the property. Nevertheless, the upward extension would occupy open space above the height of the existing building which would result in some loss of the open view from Sledgate Lane over the existing roof of the outbuilding. Therefore, there would be a small but discernible impact on the openness of the Green Belt.
18. Policy LP24 of the Local Plan requires good design. It says that proposals should ensure the form, scale, layout and details of all development respects and enhances the character of the landscape, extensions should be subservient to the original building and should be in keeping with the existing building in terms of scale and materials. The Framework in chapter 12 similarly seeks to achieve well designed places.
19. The appeal property is in a prominent location. Its front, side and rear elevations are all readily visible from surrounding public viewpoints, including the road and from the adjacent public footpaths. The limited height difference

between the main house and the side extension would result in a more prominent and conspicuous mass. In addition, the distinctive larch cladding, roof lights and gable window would not be characteristic of the main building or the surrounding vernacular. Overall the side extension would appear as a prominent and incongruous feature which would detract from the rural setting of the property and the area's character and appearance.

20. Consequently, the development would have a harmful effect on the openness of the Green Belt and the character and appearance of the area in conflict with Policy LP24 of the Local Plan and the Framework.

Other Considerations

21. I accept that planning permission has been granted for a side first floor extension and a rear conservatory extension. I have been provided with the details of this scheme. The approved scheme would result in less built development and its details are simple and unobtrusive. The existence of this planning permission does not negate the harm I have identified. The existence of the extant consent is a matter which carries very limited weight in my assessment.
22. The proposal would not result in harm to the living conditions of the occupiers of neighbouring properties. However, this is a requirement of the development plan and is not a benefit that weighs in favour of the scheme.
23. The scheme does not fall within the parameters of 'permitted development'. The fact that in alternative circumstances a similar scheme may be permitted development does not provide a justification for the harm I have identified based on the site circumstances or weigh in favour of the appeal scheme.
24. I accept the appellant's assertion that there were no objections or adverse comments to the scheme during the consultation period however the lack of objections does not ameliorate the conflict I have found with the development plan and the Framework or weigh in favour of the proposed development.

Green Belt Balance

25. I have concluded that the proposal would be inappropriate development in the Green Belt. It would result in a small loss of openness of the Green Belt and would result in harm to the character and appearance of the area. These matters attract substantial weight.
26. There are no other considerations that would clearly outweigh the harm to the Green Belt by reason of inappropriateness, loss of openness and other harm. Therefore, the very special circumstances necessary to justify the proposal do not exist.

Conclusion

27. For the reasons set out above, the appeal is dismissed.

Diane Cragg

INSPECTOR