



Appeal Decision

Site visit made on 10 March 2020

by Mike Hayden BSc DipTP MRTPI

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

Decision date: 20 March 2020

Appeal Ref: APP/A4710/D/19/3229049

3 Copperas Row, Rochdale Road, Greetland, Elland HX4 8PN

- 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 Mrs Jane Arthur against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 19/00064/HSE, dated 20 January 2019, was refused by notice dated 28 March 2019.
 - The development proposed is a two storey rear extension and entrance porch to front.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Although the front porch is not included in the description of the proposed development on the application form, it is shown on the submitted plans. There is no suggestion that it constitutes permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GDPO). It is included in the Council's decision notice and therefore forms part of the proposal for which planning permission was refused in this case. Accordingly, I have included it in the description of the proposed development in the banner heading above and considered it as part of this appeal.

Main Issues

3. The main issues in this case are:
 - Whether or not the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect on the openness of the Green Belt;
 - If the proposed 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 inappropriate development in the Green Belt

4. The appeal site is located outside of the urban area of Greetland and within the Green Belt, as defined on the Proposals Map of the Replacement Calderdale Unitary Development Plan (2006) (the UDP). Policy GNE1 of the UDP seeks to

restrain development outside of the urban areas through the extent of the Green Belt. Paragraph 145 of the Framework regards the construction of new buildings as inappropriate in the Green Belt, subject to a limited number of exceptions. One of the listed exceptions is 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.

5. The appeal property forms part of a terraced row of six stone built cottages fronting Rochdale Road. The proposed front porch would be modest in size and of similar dimensions to the porch at 6 Copperas Row on the end of the terrace. However, the two storey rear extension would be substantial in size. It would extend across the full width of the cottage and to the ridge of its roof, and would project almost 4 metres into the rear garden. Based on the figures provided by the Council, which have not been disputed by the appellant, the rear extension and the front porch together would amount to a 78% increase in the volume of the cottage, the majority of which is accounted for by the rear extension.
6. There is no published guidance on what constitutes a disproportionate addition to a building in the Green Belt in Calderdale. However, it is clear from paragraph 145c) of the Framework that proportionality is measured against the size of the existing building. The combination of the height, depth and width of the proposed rear extension would be disproportionate to the modest size and scale of the appeal property. Although the front porch on its own would be proportionate, it forms part of a single set of proposals with the rear extension. The resulting 78% increase in the overall volume of the cottage would be disproportionate.
7. Comparison has been made with other extensions in Copperas Row. However, the rear extension to no. 6, although two storeys in height, is of a more limited depth and as such does not appear disproportionate. The rear extension to 2 Copperas Row is of a much greater depth than the appeal proposal, but is single storey and therefore less prominent than the proposed extension would be when viewed from the public bridleway to north east of Copperas Row. In any case, it is a core principle of the planning system that each proposal is determined on its own merits, which I have done in this case.
8. Accordingly, in line with paragraph 145 of the Framework, I conclude that the appeal proposal would be inappropriate development in the Green Belt. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. On the same basis I find that the proposal would fail to comply with Policy GNE1 of the UDP.

Openness of the Green Belt

9. Paragraph 133 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that its openness is an essential characteristic of the Green Belt. It follows therefore that openness must be maintained to preserve the Green Belt.
10. Openness is maintained by an absence of buildings. The proposed extensions would substantially increase the size and volume of the existing dwelling, extending it into land which is currently open and free of buildings. Although the rear extension would not be visible from Rochdale Road, it would be seen from the public bridleway running northwards from Rochdale Road to east of the site, and visibly increase the extent of urban development in Copperas Row.

11. As such, the proposal would reduce the openness of the Green Belt in this location. Therefore, it would be contrary to the fundamental aim of the Green Belt in paragraph 133 of the Framework and cause harm to its essential characteristics.

Other considerations

12. The proposed extensions would not have an unacceptably adverse impact on the character and appearance of the area or the living conditions of the occupiers of neighbouring dwellings, and they have not attracted objections from interested parties. However, this does not reduce the harm the proposal would cause to the Green Belt.
13. I acknowledge that the existing dwelling is small and that the proposed rear extension would enable it to accommodate a family. However, I have not been provided with any evidence of the need for and supply of family accommodation in this part of Calderdale to enable me to assess the relative importance of this factor. Therefore, I am unable to give more than moderate weight to this consideration in support of the proposal.

Conclusion

14. The proposed extensions would amount to inappropriate development, which the Framework states is harmful to the Green Belt and should only be approved in very special circumstances. They would also cause harm to the openness of the Green Belt, albeit this would be limited given the scale of the proposal in relation to the Green Belt in Calderdale as a whole. However, paragraph 144 of the Framework establishes that substantial weight should be given to any harm to the Green Belt.
15. The other considerations in this case, including the absence of harm to character, appearance and living conditions, and the provision of family accommodation, do not clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the proposed development do not exist.
16. For the reasons given above I conclude that the appeal should be dismissed.

M Hayden

INSPECTOR