
Appeal Decision

Site visit made on 16 July 2020

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 July 2020

Appeal Ref: APP/Z4718/D/20/3249481

Meadowlands, Bristfield Road, Bristfield, Dewsbury WF12 0PA

- 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 P Oldfield against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref: 2019/62/93993/E, dated 10 December 2019, was refused by notice dated 4 February 2020.
 - The development proposed is a lean to garage to side and garden room extension to rear.
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Decision

1. The appeal is allowed and planning permission is granted for a lean to garage to side and garden room extension to rear at Meadowlands, Bristfield Road, Bristfield, Dewsbury WF12 0PA in accordance with the terms of the application Ref: 2019/62/93993/E, dated 10 December 2019 subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans; Proposed Site Layout – Drawing Number 1751/210, Proposed Site Footprint – Drawing Number 1751/211, Proposed First Floor Layout – Drawing Number 1751/212, Proposed Elevations 1 – Drawing Number 1751/213 Rev B, Proposed Elevations 2 – Drawing Number 1751/214, Proposed Site Sections – Drawing Number 1751/215 Rev B
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Application for costs

2. An application for costs was made by Mr P Oldfield against Kirklees Metropolitan Borough Council. This application is the subject of a separate Decision.

Procedural Matter

3. The part of the development comprising the garden room to the rear has been undertaken and therefore I am considering that aspect of the appeal retrospectively.

Main Issues

4. The appeal site is within the Green Belt and so the main issues are:

- Whether the appeal development is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework;
- The effect on the openness of the Green Belt;
- The effect of the proposal on the character and appearance of the area;
- If the appeal development 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 it.

Reasons

Background

5. The appeal property is a replacement dwelling. In relation to buildings constructed after 1 July 1948, the definition of 'original building' in the Glossary to the National Planning Policy Framework (the Framework) does not expressly deal with replacements. However, it can be taken that the 'original building' in such a case would be the replacement dwelling itself, as originally built, and that this forms the baseline against which subsequent extensions and alterations should be measured. Any replacement would presumably have satisfied applicable Green Belt policy at that time.

Site and proposal

6. The appeal site is a detached single-storey dwelling with roof-space accommodation. It is located in the village of Briestfield, adjacent to the main road that runs through the village. The site, which occupies an elevated position in the surrounding landscape, save for the buildings on the opposite side of the road, is surrounded by fields.
7. The garden room, which has been constructed is located to the rear of the property, where it projects from a single storey off-shoot that forms part of the original building. The proposed attached single garage would be located to the side of the property and would incorporate a lean-to roof.

Whether or not inappropriate development

8. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Framework outlines that the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions as set out in paragraph 145. One of the exceptions cited 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'. Policy LP57 of the Kirklees Local Plan (2019) (the Local Plan) accords with the aims of national Green Belt policy in these respects.
9. The Council comment that the dwelling has no previous extensions and that the proposal amounts to a 15% increase in the volume of the dwelling. The Council consider that this would not result in a disproportionate addition over and above the size of the dwelling. Given this modest increase, I agree with the Council's stance. The development would not result in disproportionate additions over and above the size of the original dwelling.

10. It therefore follows that the proposal forms one of the exceptions as cited in paragraph 145 of the Framework and as such is not inappropriate. It would comply with Policy LP57 of the Local Plan which requires, amongst other things, that proposals for the extension of buildings in the Green Belt will normally be acceptable provided that the original building remains the dominant element both in terms of size and overall appearance.
11. Given my conclusion above, that the proposal does not represent inappropriate development in the Green Belt, it is not necessary for me to consider the effect of the proposal on the openness of the Green Belt, or whether there are any very special circumstances necessary to justify the development.

Character and appearance

12. The rear extension, by reason of its overall size, scale and siting, does not dominate the dwelling, which remains the dominant feature. Although the garden room incorporates large glazed sections, the materials otherwise match those of the existing dwelling and are not out of keeping with the host property.
13. The dwelling sits in a prominent position with relatively open views of it from the highway. The rear extension elongates the existing rear off-shoot and is visible from Bristfield Road. However due to its overall projection from the rear elevation, which is given as 3.7m, it is not excessive and does not cause harm to the character or appearance of the area. In the context of the host property and its grounds, it does not result in a sprawling appearance as the Council suggest.
14. The garage, sitting adjacent to the main body of the dwelling, would be less perceptible. It would, by reason of its overall size, scale and siting, not dominate the host property. It would use materials to match those of the existing dwelling. For these reasons it would not cause harm to the character and appearance of the area.
15. I therefore conclude that the proposal would not cause harm to the character or appearance of the area or its Green Belt setting. It would comply with Policies LP24 and LP57 of the Local Plan which require, amongst other things, that extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and does not materially detract from its Green Belt setting.
16. It would also comply with guidance contained in Chapter 12 of the Framework which requires, amongst other things, that developments are visually attractive and sympathetic to local character.

Other Matters

17. The Council have referred me to the planning consent for the dwelling which included a condition to remove permitted development rights for extensions. The merits of this previous planning consent and the conditions therein are not before me. I have considered the planning history; however, it does not override the compliance of the proposal with national and local planning policy. Similarly, whether approving the development would go against negotiations undertaken on the previous planning application, is not a factor on which to dismiss the appeal for a proposal that complies with national and local planning policy.

Conditions

18. I have had regard to the conditions suggested by the Council in light of the tests in the Framework and Planning Practice Guidance. As the development is part retrospective it is not necessary to impose a timeframe condition. I impose a condition requiring that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty. In the interests of good design, it is necessary to impose a condition requiring the use of matching materials.

Conclusion

19. For the reasons outlined above, I conclude that the appeal should be allowed.

A M Nilsson

INSPECTOR