



Appeal Decision

Site visit made on 1 September 2020

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 September 2020

Appeal Ref: APP/A4710/D/20/3254714

Hard Knot Cottage, Green Lane, Ripponden, Sowerby Bridge HX6 4LT

- 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 Stuart McLaren against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 20/00446/HSE, dated 22 April 2020, was refused by notice dated 19 June 2020.
 - The development proposed is 2 storey rear dwelling house extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal is inappropriate development in the Green Belt;
 - The effect on the openness of the Green Belt; 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 Inappropriate Development

3. The appeal site is within the Green Belt. The proposal consists of erecting a 2 storey extension to the host dwelling. Part of the extension would be located below ground level.
4. The National Planning Policy Framework (the Framework) sets out that new buildings within the Green Belt are inappropriate unless, amongst other things, it would involve the extension of a building. This is provided that it does not result in disproportionate additions over and above the size of the original building.
5. The Council state that the proposal would result in a cumulative increase in volume of 75% of the original dwelling. There is no definition within the Framework of 'disproportionate', but the proposal would result in development

of a substantial scale in comparison to the original building. Assessing proportionality is a matter of judgement, but is also a relatively objective test based on size including reference to matters such as volume. Cumulatively, this proposal would add a significant amount to the volume of the original building. On the basis of the evidence before me, including the Council's volume calculation, I conclude that the proposal would result in disproportionate additions over and above the size of the original building.

6. The appellant emphasises that the ground floor of the proposal would be almost entirely within excavated ground and refers to the effect of the design of the proposal on visual impact and openness. However, these matters are not referred to in the Framework as part of the evaluation of whether an extension would be disproportionate.

Openness

7. The proposal would consist of a large extension on the rear elevation of the host building. The projection of the extension would only be slightly less than the depth of the host building, and the ridge of the roof would be as high as that of the original building. The extension would be a similar width as the two storey element of the host building, although part of the extension is set only at ground floor level. Despite part of the extension being located below the level of surrounding land, the proposal would be readily visible from the wider area. This would include an increase in the built form projecting above the skyline in views from a public footpath. These effects are clearly illustrated in the views and montages submitted by the appellant.
8. Due to the scale, location and visibility of the proposal, I conclude it would lead to moderate harm to the openness of the Green Belt.

Other Considerations

9. The appellant refers to an alternative proposed extension which has been granted prior approval. As such, this prior approval represents a valid fallback scheme. This fallback scheme would be located on the same elevation as the appeal proposal although it would not project below the ground to the same degree. The visible extent of the fallback scheme would be of a greater width than that of the appeal proposal with a commensurate effect on openness. However, the ridge of the fallback scheme would not project as high as that of the appeal proposal, and elements of the roof would also be set below the eaves of the host building. The comparative reduction in height at roof level would reduce the effect of the fallback scheme on openness. On balance, I consider that the fallback scheme would have a similar effect on openness as the appeal proposal.
10. In respect of character and appearance, the appellant submits that the appeal proposal is more sympathetic to the existing house compared to the fallback scheme. However, the fallback scheme would have some benefits, including lower ridge and eaves lines which enable appreciation of the form of the original building and add a subservient character to the extension. Conversely, the visible gable elevation of the appeal proposal would be smaller compared to the fallback scheme. On balance, I consider that these schemes are of a similar effect in terms of character and appearance, and this matter is therefore neutral in the planning balance.

11. The appellant refers to improvements to the quality of accommodation at the dwelling. However, it has not been demonstrated that the accommodation provided by the dwelling is unfit for purpose or that these improvements cannot be achieved by more suitable means. These private benefits do not therefore weigh in favour of the proposal.

Other Matters

12. Reference has been made to planning permissions granted elsewhere in the Green Belt. Whilst I have been provided with plans in respect of the approval at Barratt Hill, I have not been provided with full details of the considerations that lead to this development being approved, and so cannot be certain that it represents a direct parallel to the scheme before me. The evidence suggests that the development at Soyland consists of a new house of outstanding design, and is therefore materially different to the appeal proposal. In any event, I have determined this appeal on its own merits.
13. I have had regard to the support for the proposal, including from nearby residents, the Ward Councillor and the Parish Council. However, the comments raised in support of the proposal, including those on design and appearance, do not lead me to a different conclusion in respect of the harm I have identified.
14. I note the frustrations expressed by the appellant in relation to the advice from the Council and the process leading up to this appeal. However, this is not a matter for this appeal which I have determined on its planning merits.

Planning Balance and Conclusion

15. Drawing the above together, I conclude that the proposal would be inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and the Framework requires that substantial weight should be given to any harm.
16. I have concluded that the proposal would lead to moderate harm to the openness of the Green Belt. However, having had regard to the fallback scheme, I conclude that the overall effect on openness would be neutral. In respect of visual impact, the comparative effects of the appeal proposal and the fallback scheme are of similar weight, and this does not therefore affect the overall planning balance. The broadly neutral weight I have given to these other considerations does not negate the substantial harm arising from the inappropriate nature of this development in the Green Belt.
17. The other considerations do not clearly outweigh the harm that I have identified in respect of inappropriateness. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal would therefore be contrary to Policy GNE1 of the Replacement Calderdale Unitary Development Plan (as Amended) 2006 which seeks to restrain development through the general extent of the Green Belt. The proposal would also be contrary to the Framework in respect of protecting Green Belt land.
18. For the reasons given above, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR