



Appeal Decision

Site visit made on 19 January 2021

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

an Inspector appointed by the Secretary of State

Decision date: 3 February 2021

Appeal Ref: APP/Z4718/D/20/3261444

The Stables, 97 Carr Hill Road, Upper Cumberworth HD8 8XN

- 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 John Hawkhead against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2020/62/91274/E, dated 2 May 2020, was refused by notice dated 20 August 2020.
 - The development proposed is domestic garage and store.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issues

3. The main issues are:
 - Whether the proposal is inappropriate development in the Green Belt; and
 - The effect on the character and appearance of the host property and the area.

Reasons

Whether Inappropriate Development

4. The appeal site is within the Green Belt. Paragraph 145 of the National Planning Policy Framework (the Framework) sets out that new buildings within the Green Belt are inappropriate subject to a number of exceptions. This includes exception 145(c) relating to an extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. Although the proposal is for a detached outbuilding, the Council considers that it would represent a normal domestic

adjunct and should therefore be assessed against exception 145(c). Based on the evidence before me, I have no reason to disagree.

5. The Council refers to the proposal attracting a degree of prominence and that it would be set forward of the original building. However, these are matters of siting and context, whereas paragraph 145(c) of the Framework specifically refers to 'size'.
6. I have not been provided with details of the comparative sizes of the original building and the appeal proposal, other than as shown on the submitted plans. Based on the evidence before me and my observations on site, although the proposal would be a relatively large garage and store, I consider that the size increase regarding matters such as volume, dimensions and floorspace compared to the original building would not be disproportionate.
7. I therefore conclude that the proposal would not be inappropriate development in the Green Belt within the terms of the Framework. As I have found that the building would not be inappropriate development in the Green Belt I do not need to consider matters such as the openness of the Green Belt or very special circumstances.
8. I have had regard to policy LP57 of the Kirklees Local Plan 2019 (the Local Plan), but this does not lead me to a different conclusion in respect of the wording of paragraph 145(c) of the Framework.

Character and Appearance

9. As stated previously, the proposal would result in the introduction of a relatively large garage and store building to the front of the host dwelling. Due to the degree of separation from the main dwelling, the building would appear as an obtrusive feature set within the prominent front garden of the property.
10. Although it would not project forward of the building line of nearby dwellings, the detached building set forward of the main dwelling would not reflect the arrangement of nearby properties and would therefore appear as an incongruous feature in views of the area, even within the context of a relatively varied streetscape. This harm would be exacerbated due to the open aspect of the site when approached from the east.
11. I acknowledge that the proposal would use materials which match the host dwelling, have a pitched roof and be smaller than the main building within the site. However, these matters would not mitigate the harm arising from the scale and arrangement of the proposal within the site. The existing layout of the site would result in the parking of vehicles to the front of the dwelling, although this is common in the area and would not appear out of place. The appellant refers to planting on the site boundary to screen the proposal, although this would take time to establish and its retention as screening cannot be relied upon.
12. Due to its scale and layout, I conclude that the proposal would lead to significant harm to the character and appearance of the host property and the area. The proposal would therefore be contrary to the design requirements of policy LP24 of the Local Plan as well as the Framework in respect of achieving well-designed places.

Other Matters

13. I note the frustrations expressed by the appellant in relation to the level of communication from the Council leading up to this appeal. However, this is not a matter for this appeal which I have determined on its planning merits.

Conclusion

14. Notwithstanding my conclusions in respect of whether the site is inappropriate development in the Green Belt, the proposal would conflict with the development plan and the Framework when read as a whole in respect of design and achieving well-designed places. For the reasons given above, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR