



Appeal Decision

Site Visit made on 2 August 2021

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 September 2021

Appeal Ref: APP/Z4718/D/21/3276146

167 Drub Lane, Drub BD19 4BZ

- 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 Gillian Bohanna against the decision of Kirklees Metropolitan Council.
 - The application Ref 2020/62/91200/E, dated 20 April 2020, was refused by notice dated 31 March 2021.
 - The development proposed is erection of two storey side extension and front and rear dormer windows and increase roof height.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. For the sake of clarity and brevity I have used the description of development from the Council's decision notice.
3. Since the submission of the appellant's appeal the revised National Planning Policy Framework (the Framework) was published and came into force on 20 July 2021. In light of this I have sought the views of the main parties in writing and comments received have been taken into consideration.

Main Issues

4. The main issues are:
 - i) Whether the development would be inappropriate development in the Green Belt; and
 - ii) Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to very special circumstances necessary to justify the proposal.

Reasons

Whether inappropriate development

5. Policy LP57 of the Kirklees Local Plan Strategy and Policies 2019 (KLPS) relate to extensions and alterations of existing buildings in the Green Belt. Paragraph 149 of the National Planning Policy Framework (the Framework) also states that the construction of new buildings in the Green Belt should be regarded as inappropriate, unless the development falls within the exceptions list. This includes the extension or alteration of a building providing that it does not

result in disproportionate additions over and above the size of the original building.

6. The proposed extension would introduce a first floor element that would raise the roof above the height of the existing roof. The proposed roof would also appear separate and not run into the existing roof structure. Due to its design and scale, the proposal would not appear as a subordinate feature to the original property. The appellant describes the appeal site as being a large scale plot however, it has been indicated that the volume of the proposed extension would be almost 70% that of the bungalow. Given the volume, size and design of the proposed extension, it would result in a disproportionate addition that would be over and above the size of the original building.
7. The proposal would therefore be inappropriate development in the Green Belt, and as such conflicts with Policy LP57 of the KLPSP and the Framework which seeks to safeguard the Green Belt from inappropriate development and impacts on openness.

Other considerations

8. The appellant has indicated that the proposal is required to increase living arrangements and accommodate family visits, provision of care for appellants elderly parents and changes in working and social practices due to the Covid-19 pandemic.
9. It is indicated that the proposal is consistent with other extensions approved in the village. However, insufficient evidence has been submitted on these other schemes and I cannot be sure that they represent a direct parallel to the appeal scheme, particularly with regards to location, size and design. In any case, I have determined this appeal on its own merits.
10. The appellant also states that the proposal is consistent with recent changes to Central Government Policy to promote height increase to existing property. This matter does not alter my findings in relation to the proposals accordance with the Policies of the KLPSP and the Framework.

Conclusion

11. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the Framework states that substantial weight is given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.
12. In favour of the appeal, I attach significant weight to the potential need for additional accommodation for family visits, provision of care for appellants elderly parents and changes in working and social practices due to the Covid-19 pandemic. However, there is insufficient evidence with regards to the exact requirements to justify the scale of the proposed extension and whether other alternatives have been explored.
13. Having considered all matters in support of the appeal proposal, the considerable harm I have found and the conflict with the development plan and the Framework would not be clearly outweighed by other material

considerations. Having regard to the case as a whole, I conclude that very special circumstances do not exist which could justify the proposed extension.

14. I recognise the failure of this appeal could affect arrangements for the appellants family, particularly in regards to care of elderly parents. Having regard to the circumstances drawn to my attention, this would represent an interference with their rights under Article 8 of the European Convention on Human Rights, as incorporated by the Human Rights Act 1998. However, having regard to the legitimate and well-established development plan policies and the Framework which aim to protect the Green Belt, in this case I consider greater weight is attached to these. Dismissal of the appeal is therefore necessary and proportionate, and it would not result in a violation of the human rights of the appellant or the appellant's family.
15. For the reasons set out above, and having regard to all other matters raised the appeal should be dismissed.

Chris Baxter

INSPECTOR