



Appeal Decision

Site visit made on 14 December 2021

by A Edgington BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 7 January 2022

Appeal Ref: APP/Z4718/D/21/3281168

2 Jagger Lane, Emley Moor, Huddersfield HD8 9SY

- 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 Alex Hall against the decision of Kirklees Metropolitan Council.
 - The application Ref 2021/62/91691/E, dated 22 April 2021, was refused by notice dated 12 July 2021.
 - The development proposed is first floor rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Number 2 Jagger Lane (No 2) is situated in the Green Belt and it is not disputed that the dwelling has been extended. The officer's report states that there is no planning history and although I raised a query in this regard during the appeal, I have not been provided with any additional information. I have dealt with this issue towards the end of my decision.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

Character and appearance

4. Number 2 is a modest end terrace with a two-storey side extension and a rear single storey extension which spans most of the width of the extended rear elevation. Its side elevation nearly abuts one side plot boundary, and the extended flank wall is a focal point at the end of Springfield Terrace, a cul de sac running parallel to Jagger Lane.
5. The current one and two-storey flank wall would be replaced with a two-storey blank flank wall, unrelieved by window or other openings. It would dominate the end of the cul de sac, as well as appearing disproportionately tall, long and rather austere in relation to the scale and typology of the modest terraces nearby.
6. The rear elevation would have a narrow overhang supported by a steel post on one side, for reasons which are unclear. The overhang is too narrow to be a design feature and its incongruity is further accentuated by the rather unsatisfactory positioning of a full height window immediately above. This

straddles the overhang and its cill appears to form the overhang's base. This appears as a poorly resolved design issue.

7. In any case, this and the other full height window are considerably oversized in relation to the other door and window openings, as well as being rather randomly located. As such I conclude that the design of the rear elevation lacks overall coherence and fails to reflect the typology of the host dwelling or the remaining terrace.
8. I appreciate that a nearby dwelling in the terrace has a two-storey rear extension, but it is not as bulky as what is before me. Nor is that extension prominent in views from the public domain.
9. The SPD¹ sets out that two-storey rear extensions should be proportionate to the original house, not exceed an eaves height or 3 metres within 1.5 metres of the plot boundary, and be positioned 1.5 metres from the plot boundary. The extension would fail to meet these guidelines.
10. The development would be disproportionate in scale, positioned too close to the plot boundary and poorly designed. As such it would detract from the character and appearance of the area. This would be contrary to Policy LP24 of the Local Plan which requires proposals to respect and enhance the form, scale, details and layout of all development and to ensure that extensions are subservient, amongst other considerations. It would also be contrary to guidance set out in Section 12 of the National Planning Policy Framework (the Framework) which is concerned with design. Finally, the proposals would also fail to adhere to the guidance for extensions set out in the SPD with regard to height at the property boundary, distance from the property boundary and proportionality to the original dwelling.

Other Matters

11. The Framework states that inappropriate development is by definition harmful to the Green Belt. However, Paragraph 149 sets out exceptions. This list includes extensions to existing buildings, provided that they would not be disproportionate additions over and above the size of the original building. The Glossary states that the term original building shall mean the building as it existed on 1 July 1948.
12. It is not disputed that No 2 has been extended, and the extensions are very sizeable additions to what was formerly a modest end terrace. Given the extensions' typology, style and construction it seems highly likely that they were constructed after 1948. Moreover, the addition of the proposal before me would represent in totality, a disproportionate addition to the original footprint and floor area of the end terrace. However, in the absence of definitive information regarding the date of the extensions, I am unable to conclude on this point. Had there been definitive evidence that the extensions had been built after 1948, I would have concluded that the development was inappropriate development in the Green Belt.
13. The appeal statement refers to benefits arising from economic viability and sustainability but does not give any further detail as to what these benefits might be. There is also reference to investment in the site but again there is a

¹ House Extensions and Alterations SPD, June 2021

lack of specificity as to the proposed benefits. As such, these arguments weigh neither for nor against the appeal.

14. I am unclear how access would differ from the existing arrangements. The principal entrance could be altered to meet Approved Document Part M of the Building Regulations without the proposed first-floor extension. Moreover, it is unclear to me how access could be gained around the full perimeter of the plot, as No 2's flank wall is directly adjacent to the plot boundary with Springfield Terrace. This would be unchanged if the development proceeded.
15. An argument is advanced that there is a local demand for large residential dwellings locally but there is nothing before me to substantiate this argument. Nor is there anything to indicate that the Council cannot demonstrate sufficient housing supply land. In any case, the Council's concerns are largely concerned with design issues rather than the principle of development.
16. Interested parties have raised concerns in relation to overlooking from the rear of the first-floor extension to habitable rooms at 26 Springfield Terrace. However, as I have found harm in relation to the main issues it is not necessary for me to consider this issue further.

Conclusion

17. The conversion of a three bedroomed to a four bedroomed house would result in very minor benefits to local housing supply and those benefits would not be outweighed by the harm identified above. The development would fail to accord with the development plan as a whole and there are no material considerations of such weight to lead me to reach a different conclusion. The appeal is dismissed.

A Edgington

INSPECTOR