



Appeal Decision

Site visit made on 4 March 2022

Decision by C Rafferty LLB(Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 24th March 2022

Appeal Ref: APP/Z4718/D/21/3283000

214 Norcroft Grange, Barnsley Road, Denby Dale, Huddersfield HD8 8TU

- 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 Neil Pickles against the decision of Kirklees Council.
 - The application Ref 2020/62/94365/E, dated 17 December 2020, was refused by notice dated 10 August 2021.
 - The development proposed is described as 'Replacement link between house and poolhouse extending kitchen, poolhouse conversion to additional living accommodation, removal of conservatory to create secondary entrance, and creation of new detached garage and garden room outbuilding within Permitted Development criteria'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (i) Whether the proposal would constitute inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework);
 - (ii) The effect of the development on the openness of the Green Belt; and
 - (iii) If found to be inappropriate development, whether the harm, by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether the proposal constitutes inappropriate development

1. The appeal property is a detached two storey dwelling with a pool house connected by a link corridor and a separate coach house. The site is a sizeable plot located within the Green Belt. The surrounding area is characterised by a largely open and rural feel, with sparse examples of development nearby. The proposal would convert the poolhouse, replace the current link corridor, remove the conservatories present and create a new detached garage and outbuilding.
2. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. While the construction of new buildings is inappropriate in the Green Belt, there are a limited number of exceptions, as detailed by paragraph 149 of the Framework.

This includes at 149(c) *"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"*. Original building is defined in the Framework as the building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. However, the concept of a disproportionate addition has not been defined.

3. Policy LP57(a) of the Kirklees Local Plan Strategy and Policies, February 2019 (the KLPSP), states that in the case of extensions within the Green Belt, these will only be permitted where the original building remains the dominant element in size and overall appearance. It continues that the cumulative impact of previous extensions and other associated buildings will be taken into account. While a disproportionate addition is not defined in the Framework, I conclude that this is a reasonable stance for the Council to take and reflects the aim of paragraph 149 of the Framework.
4. No plans have been provided showing the original dwelling. However, the Council has stated that this is the existing two-storey element and detached coach house, concluding that the conservatories, garage and pool house with enclosed link are later additions. This has not been disputed by the appellant and these elements were apparent on my site visit.
5. The new link corridor would largely replicate the footprint of the existing link and conservatories, which are to be removed. However, it would nonetheless introduce additional built form and, due to the positioning of the combined footprint in one larger element, would read as a more prominent feature. In addition to the introduction of the sizeable garage, even with the removal of current elements, the proposal overall would read as a sizeable addition. Combined with the earlier alterations and additions, it would fail to respect the proportions of the original dwelling, such that this would no longer appear dominant in size or appearance as a result, when viewing the property as a whole. As such, the proposal would result in disproportionate additions over and above the size of the original building.
6. Accordingly, the proposal does not fall within the exception at Paragraph 149(c) of the Framework. There is no suggestion that the proposal would meet any other exception listed in the Framework and it would therefore represent inappropriate development.

Impact on openness

7. The Framework states that *"the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence."* It has been established that openness has both a spatial and visual aspect.
8. From a spatial perspective, the development would inevitably lead to a reduction in the openness of the Green Belt by introducing additional built form. However, it would also involve the demolition of certain elements. This would limit the overall increase in built form at the site, albeit that much of the replaced footprint would be combined into the singular imposing element of the proposed link.
9. From a visual perspective, the additional built form of the proposal would be highly visible within the site. However, much of this would be located to the rear and, in any event, due to the sizeable dimensions of the plot and the significant setback of the dwelling from Barnsley Road, views from public vantage points would be limited. In addition, from the front the removal of the later hexagonal feature on the eastern

elevation would be noticeable, leading to a clearer definition of the original dwelling from this viewpoint.

10. Therefore, having regard to the location of the site and the position of surrounding development, I conclude that the harm to the Green Belt arising from loss of openness would be limited.

Other matters

11. The Framework states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
12. From a design perspective, the existing link corridor and conservatories at the site, which read as modern and awkward additions to the property, would be removed. In contrast, the proposal would overall be in keeping with the character and design of the dwelling with regards to materials, fenestration and door detailing. The roof forms would either be consistent with, or subservient to, the main dwelling. This design approach attracts significant weight in favour of approving the proposal.
13. The appellant has stated that under permitted development (PD) rights a larger garage than that proposed could be constructed. However, this would not replicate the proposal, which also introduces the link corridor and an additional section above the proposed seating area that would not be permissible under PD rights. I must assess the scheme before me and it is the specific combination of built form proposed that would result in disproportionate additions to the original dwelling, when combined with earlier alterations. As such, reference to the fallback position under PD rights carries limited weight.
14. The appellant further refers to a previous planning permission for a larger garage at the site. However, limited information on this permission, the precise nature of the scheme it relates to, or its implementation has been provided, such that I can only attach limited weight to this argument. In any event, as referred to above, it is the specific combination of the proposed garage and all other elements of this proposal that results in disproportionate additions to the original dwelling when combined with earlier alterations. Similarly, while the appellant refers to former concrete garages that were present on site and have since been removed, no substantive evidence of this has been provided.

Whether Very Special Circumstances Exist

15. It is accepted that the harm arising from loss of openness would be limited. However, the proposal would represent a disproportionate addition over and above the size of the original dwelling and would therefore amount to inappropriate development in the Green Belt.
16. The Framework establishes that substantial weight should be given to any harm to the Green Belt. When taken cumulatively, many of the other considerations advanced in support of the scheme attract limited weight and, even acknowledging the significant weight attached to the design and appearance of the proposal, this is not sufficient to clearly outweigh the substantial harm to the Green Belt. Consequently, the very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist.

Conclusion

17. For the reasons given, the proposal would not accord with the Framework; Policies LP24, LP32 and LP57(a) of the KLPSP; or the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR