The Planning Inspectorate

Appeal Decision

Site visit made on 10 May 2022

by S. Ashworth BA (Hons) BPL MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 May 2022

Appeal Ref: APP/Z4718/D/22/3294294
The Granny Annex, Kismet, Dover Lane, Holmfirth HD9 2RB

- 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 Matthew Wright against the decision of Kirklees Metropolitan Borough Council.
- The application Ref 2021/62/92766/W, dated 6 July 2021, was refused by notice dated 13 December 2021.
- The development proposed is described on the application form as extension and alterations to existing granny annex to form two storey dwelling.

Decision

1. The appeal is dismissed.

Main Issues

2. Whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies.

3. The effect on the openness of the Green Belt.

4. The effect of the proposal on the character and appearance of the host dwelling and surrounding area.

5. Whether any 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 required to justify the proposal.

Reasons

Whether inappropriate development

6. Kismet is a detached bungalow with an attached one-bedroomed single storey annex which was granted planning permission in 2008[1]. The proposal before me seeks to extend that annex upwards by way of a first-floor extension and by way of a two-storey side extension to create a 3 bedroomed dwelling.

7. The National Planning Policy Framework (the Framework) sets out the great importance the Government attaches to Green Belts. In that context the new building is considered to be inappropriate except in certain specified

[1] Planning application ref: 2008/62/92381

circumstances including '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'. The Framework defines 'original building' as 'a building as it existed on 1 July 1948, or, if constructed after 1 July 1948, as it was built originally.'

8. It is clear from the Council's evidence that a building has existed on this site since 1893 although there are limited details before me as to the size, scale or appearance of that building. However, the bungalow that now exists on site is clearly a modern building which post-dates 1948. Accordingly, for the purpose of this appeal, the bungalow, as originally built, constitutes the 'original building'.

9. The Framework does not set out a method by which proportionality should be measured although it is often calculated in terms of increases in footprint, floorspace and volume. It can also be assessed in visual terms and Policy LP57 of the adopted Kirklees Local Plan 2019 (the Local Plan) states that proposals for the extension of a building in the Green Belt will be acceptable provided that, amongst other things, the original building remains the dominant element both in terms of size and overall appearance. Proposals to extend buildings which have already been extended should have regard to the scale and character of the original building.

10. In this case, the main parties disagree significantly on the cumulative impact of the existing and proposed extensions on the volume and footprint of the original building and there is limited evidence regarding the increase in floorspace. On the basis of the Council's calculations the footprint and volume would be increased by over 50%. However, on appellant's calculations the cumulative impact of the existing annex and the proposed extensions would represent a roughly doubling of the volume of the property. On that basis the proposal would be disproportionate in scale to the existing building.

11. In addition to that, the proposal would significantly increase the height, bulk and massing of the existing annex and substantially alter its appearance to the extent that it would become the visually dominant element of the building considered as a whole, rather than appearing as it does now, as a subservient element.

12. For these reasons the proposal would represent a disproportionate addition to the building. The appellant does not disagree. As such the proposal would not meet the criteria for any of the exceptions set out in the Framework and it would therefore constitute inappropriate development in the Green Belt. Moreover, the proposal would be contrary to Policy LP57 as set out above.

Openness

13. The Framework makes it clear that the essential characteristics of Green Belts are their openness and their permanence. In this case, as set out above, the proposal would involve the addition of further floorspace and a very notable new volume and bulk of development. Furthermore, the development would be visible from vantage points around Dover Lane including from a public right of way. Accordingly, the proposal would result in albeit, limited, harm to the openness of the Green Belt in both spatial and visual terms.

14. In that respect, in addition to constituting inappropriate development, the proposal would be contrary to the aims of the Framework in terms of the need to preserve openness.

Character and appearance

15. The site is located within a valley setting which has a rural character and appearance. Built development tends to be sporadic and consists mainly of traditionally designed and proportioned terraced or detached houses. Kismet is sited at a low level alongside an access track and is highly prominent within its setting. The original building is a stone built, single storey dwelling with a horizontal, linear form. The single storey annex has a similar form and appearance and contributes to the linear character of the development as a whole.

16. Principle 1 of the House Extensions and Alterations SPD – June 2021 advises that extensions and alterations should be in keeping with the appearance, scale, design and local character of the street scene and Principle 2 indicates that they should not dominate or be larger than the original house and should be in keeping in terms of scale, materials and detail.

17. The proposed extension would be constructed in materials to match the existing building. Fenestration details would also match. However, the proposed first floor extension, and the two-storey extension adjacent to it, would give the annex a vertical form, in contrast to that of the house. The substantial gable feature to the front, which would have a suburban character would reflect the smaller gable to the bungalow to some extent, but nevertheless would serve to exacerbate the vertical proportions of this element of the building. Moreover, the ridge height of the annex would extend significantly above that of the bungalow. In addition, as set out previously, the scale of the extension would be significant compared to that of the existing building. As a result, the extended element of the building would relate poorly to the design and form of the bungalow and would appear bulky and dominant. As such it would detract from the character of the building considered as a whole.

18. The modern design and proportions of the bungalow are already apparent in area where traditional styles predominate. The addition of an uncharacteristic and bulky two-storey addition would emphasise the prominence of the building and would detract from the traditional rural characteristics of its surroundings.

19. For these reasons, the proposal would result in harm to the character and appearance of the host dwelling and that of the surrounding area, contrary to Policy LP24 of the LP which requires amongst other things that proposals should promote good design by ensuring that the form, scale and details of all development respects the character of the townscape, and landscape, and that extensions are subservient to the original building and in keeping in terms of scale. In addition, the proposal would be contrary to Policy 2 of the Holme Valley Neighbourhood Plan 2021 which requires designs to respect the scale, mass, height and form of existing buildings in the locality and the site setting. Development should fit in with and neither dominate nor have a detrimental impact on its surroundings.

Other considerations

20. I note the intention of the proposal is to provide more spacious accommodation for the appellant and his family group and occasional guests, separate to that within the main part of the building. This is a private benefit of the proposal which I have taken into account.

21. The appellant contends, and I have no reason to disagree, that various extensions could be built onto the original part of the dwelling under the provisions of the General Permitted Development Order[2] without requiring planning permission but subject to various conditions. I note that Prior Approval has recently been granted under Class AA for a first-floor extension across the original part of the dwelling[3] (the approved scheme) and I understand that a 6m single storey rear extension could fall to be determined under the Prior Approval regime or, if that were not permitted by the Council, a smaller extension could be constructed under permitted development rights. This is known as a fallback position.

22. I acknowledge that the cumulative volume of the fallback extensions, if they were both completed, plus that of the existing annex would be greater than that of the proposal before me. However, I have found the impact of the proposal on the openness to the Green Belt to be limited. Therefore, the fallback position offers a limited benefit over that proposed in this respect.

23. The approved scheme has not been undertaken and prior approval not yet sought for the rear extension. However, even if the approved scheme was constructed, it would provide a better designed and proportioned building overall than the scheme before me. Given the level of additional accommodation an upwards extension would provide, I am unconvinced that a large additional rear extension would be sought and implemented. However, even if it were constructed, such an extension is not unusual at the rear of a property and would be a subservient element, less obvious from the front of the property. As such, even then the fallback position would have a less harmful effect on the character and appearance of the host dwelling and surrounding area than that before me and does not therefore persuade me that the appeal scheme is preferable in terms of its form and massing. These matters therefore limit the weight that I give to the fallback position.

Whether Special Circumstances Exist and Conclusion

24. The Framework states at paragraph 147 that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In accordance with the Framework, substantial weight must be given to any harm to the Green Belt. 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.

25. The proposed development would be inappropriate development in the Green Belt and would result in a limited loss of openness. The Framework establishes that substantial weight should be given to any harm to the Green Belt.

[2] Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

[3] Application 2022/90301 Approved 23rd March 2022

26. In addition to that the proposal would result in harm to the character and appearance of the property and that of the surrounding area. This matter carries moderate weight.

27. On the other side of the balance, the fallback position carries limited weight for the reasons set out. The private benefit of the proposal to the appellant also attracts limited weight.

28. These other considerations do not therefore clearly outweigh the totality of the harm, which is the test that they have to meet. Consequently, very special circumstances do not exist.

29. For the reasons given, the proposal would not meet the requirements of the Framework or the development plan considered as a whole. There are no other material considerations which indicate that the appeal should be allowed. Accordingly, the overall conclusion is that the appeal should be dismissed.

S Ashworth

INSPECTOR