



Appeal Decision

Site visit made on 4 July 2022 by Hilary Senior BA (Hons) MCD MRTPI

Decision by Sarah Housden BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th August 2022

Appeal Ref: APP/Z4718/D/22/3297792

119 Quaker Lane, Liversedge, WF15 8DF

- 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 Linda Waind against the decision of Kirklees Metropolitan Council.
 - The application Ref 2021/62/92576/E, dated 23 June 2021, was refused by notice dated 11 February 2022.
 - The development proposed is side extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

1. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the host dwelling; and
 - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations and if so, whether this would amount to the very special circumstances required to justify the proposal.

Reasons for the Recommendation

Whether the proposal would be inappropriate development

1. The appeal site, which lies within the designated Green Belt, is a previously extended, detached single storey stone built dwelling. It is the end property of

- a short row of dwellings accessed via a shared driveway off Quaker Lane and has open fields to three sides.
2. The proposal is a single storey side extension attached to the dwelling by a previous side extension. There are existing extensions to the opposite side elevation of the dwelling.
 3. The Framework establishes that new buildings in the Green Belt are inappropriate, except in certain circumstances, including where they involve 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. 'Original building' is defined as being the building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. The Framework does not define what a disproportionate addition is.
 4. However, Policy LP57 of the Kirklees Local Plan Strategy and Policies (2019) (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 approach is consistent with the aim of paragraph 149 of the Framework.
 5. Whilst there are no plans of the original building, both parties agree that the dwelling has been increased through previous extensions. There is an extant planning permission for the erection of a detached garage (Ref 2020/91027) and there is also a detached summer house in the garden of the property. The appeal proposal would further increase the size of the dwelling which, in combination with the previous extensions, would represent a disproportionate addition to the original building.
 6. Consequently, the proposal would not fall within the exception set out in paragraph 149c of the Framework and would not comply with KLPSP Policy LP57. It would therefore be inappropriate development in the Green Belt.
 7. In accordance with paragraph 147 of the Framework, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Effect on openness

8. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness and permanence are essential characteristics of the Green Belt.
9. The proposal would increase the mass and footprint of the dwelling which in conjunction with the summer house and other structures on the site would, in spatial terms lead to some, albeit limited, harm to openness.
10. The appeal property is currently largely screened from the road and public vantage points due to its position at the end of a private drive. In visual terms, the effect on openness would be minimal.

11. Therefore, in terms of the effect of the development on the openness of the Green Belt as a whole, the harm would be limited. Nonetheless, the Framework is clear that substantial weight should be given to any harm.

Character and appearance

12. The proposal would be relatively small in scale and would have the same form as the dwelling and the previous extensions along with matching brickwork. It would be set down from the previous extension and set back from the front elevation, and would be sympathetic to the form, character, scale and appearance of the original dwelling.
13. I conclude that the proposal would not harm the character and appearance of the host dwelling and would not be contrary to KLPSP Policy LP24 which, amongst other things, seeks to ensure that extensions are subservient to the original building. It would comply with the guidance in House Extensions and Alterations Supplementary Planning Document (2021) which states that extensions should not dominate the existing building.

Other considerations

14. The Framework states that 'very special circumstances' will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the development, is clearly outweighed by other considerations.
15. The appellant has stated that extensions have been approved on nearby dwellings including at Nos 87 and 117 Quaker Lane, which I saw on my site visit. However, as no further information on these developments has been provided, I am not aware of the circumstances that led to their approval including the relevant development plan policies in place at the time. In any event, I have determined this appeal on its own merits based on the site-specific circumstances of the case. Accordingly, these other developments carry very limited weight in the determination of the appeal.

Green Belt Balance and Conclusion

16. For the reasons set out above, the development constitutes inappropriate development in the Green Belt. Furthermore, there would be limited harm to the openness of the Green Belt. Paragraph 144 of the Framework states that substantial weight should be given to any harm to the Green Belt. Whilst I have found that the appeal scheme would not harm the character and appearance of the host dwelling, that carries neutral weight in the overall planning balance.
17. The other considerations put forward in support of the proposal attract very limited weight in favour of the appeal. Consequently, they do not clearly outweigh the harm to the Green Belt arising from inappropriateness and the harm to openness to which I must attach substantial weight in accordance with paragraph 148 of the Framework. Therefore, I conclude that the very special circumstances needed to justify the development have not been demonstrated. As such the proposal would conflict with Policy LP57 of the KLPSP which seeks to protect the Green Belt and with the Framework.

Conclusion and Recommendation

18. The proposed development conflicts with the development plan as a whole and there are no other considerations, that outweigh this conflict. I therefore recommend that the appeal is dismissed.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Sarah Housden

INSPECTOR