



Appeal Decision

Site visit made on 29 September 2022

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2022

Appeal Ref: APP/Z4718/D/22/3301046

33 Clough Lane, Hightown, Liversedge WF15 8AD

- 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 O Bennett against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2022/62/91016/E, dated 23 February 2022, was refused by notice dated 19 May 2022.
 - The development proposed is erection of two storey rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I requested access to the appeal site to view it and its surroundings, but I was unable to gain access on the day of my visit. However, with the agreement of the appellant's agent, I was able to view the appeal site from accessible areas sufficiently to enable me to evaluate the proposal.
3. The description of the development provided on the planning application form has been replaced by an amended version on the decision notice and in subsequent appeal documents. I consider that subsequent description to accurately represent the proposal and I have therefore used it within this decision.

Main Issues

4. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt, with due regard to openness;
 - The effect on the living conditions of neighbouring residents with regards to outlook and light;
 - The effect on the living conditions of residents of the appeal site in respect of amenity space;
 - The effect on the character and appearance of the host building and the area; and

- Would any harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Green Belt

5. The appeal site is located within the Green Belt. The National Planning Policy Framework (the Framework) sets out that new buildings within the Green Belt are inappropriate subject to a number of exceptions. Paragraph 149(c) of the Framework sets out that one of these exceptions is 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.
6. The Council's officer report states that the extension would represent an enlargement of 63% compared to the original building. In assessing the effect on the openness of the Green Belt, I have had regard to the Planning Practice Guidance which states that the visual impact of the proposal may be relevant, as could its volume.
7. In respect of visual impact, the proposal would be viewed within the context of nearby dwellings which project to the rear to a similar or greater extent. However, the proposed extension would still be visible as an increase in the size of the host building, and given the sizeable increase in volume it would represent a disproportionate addition to the original building. The proposal would therefore be inappropriate development within the Green Belt which is, by definition, harmful to the Green Belt.
8. The proposal would also be apparent as a new development within the Green Belt, with subsequent harm to openness. However, given the scale of the proposal and the context of nearby buildings, the harm in respect of openness would be very limited.
9. I conclude that the proposal would be inappropriate development in the Green Belt. It would also harm the openness of the Green Belt, albeit to a very limited degree.

Living Conditions - Outlook and Light

10. There is a window to the side of the neighbouring property of 31 Clough Lane which faces directly onto the appeal site. The evidence suggests that this window serves a living room at no 31.
11. Although the proposed extension would be set back from the site boundary, it would project close to the window at No 31 and would have an unacceptable enclosing effect. Due to the scale and location of the proposal it would lead to a significant reduction in the amount of daylight and sunlight reaching that window. The extension would also appear as an oppressive and enclosing feature in views from that window, with significant harm to the outlook of residents.
12. The appellant contends that the affected window was agreed to be obscure glazed, although this has not been undertaken. They also consider that the window intrudes into the privacy of the appeal site and should be removed. However, the lawfulness or otherwise of this window does not fall within the

remit of this planning appeal. I have therefore assessed the proposal on the basis of the evidence before me and my observations on my visit.

13. I conclude that due to its scale and location, the proposal would lead to significant harm to the living conditions of residents of No 31 in respect of outlook and light. The proposal would therefore conflict with the amenity requirements of policy LP24 of the Kirklees Local Plan 2019 (the Local Plan) and the Framework. The proposal would also be contrary to the advice of the House Extensions and Alterations SPD 2021 (the SPD) in respect of overshadowing, loss of light and an overbearing impact.

Living Conditions - Amenity Space

14. The extension would project into the amenity area to the rear of the property. The Council considers that this would result in an unsatisfactory amenity space for residents of the dwelling.
15. However, an extent of the rear amenity space would remain. This would be sufficient for activities such as hanging out washing and providing external seating. The amenity area to the front of the dwelling would also be unaffected, although I acknowledge that this is adjacent to the busy highway of Clough Lane and is therefore of a different nature to the secluded rear amenity area. However, when considered as a whole, the amenity areas which would remain available to residents would be suitable for a property of this nature.
16. I conclude that the proposal would retain suitable amenity space for residents of the site, and would therefore not harm the living conditions of residents in that respect. The proposal would therefore not conflict with the amenity requirements of policy LP24 of the Local Plan and the Framework. The proposal would also not be contrary to the advice of the SPD in respect of outdoor space.

Character and Appearance

17. The Council refers to the SPD, which advises that extensions should not dominate the original house and be in keeping with the original building in terms of scale. I have concluded that the proposal would be a disproportionate addition to the original building in respect of the Green Belt. However, given the context established by the scale and projection of adjoining and nearby dwellings, I do not consider that the proposal would be so large or obtrusive as to justify withholding planning permission in respect of character and appearance.
18. Although the proposal would reduce the extent of open area to the rear of the dwelling, this would not be to a degree where the proposal would appear as unacceptably constrained or incongruous within the context of the site and its surroundings.
19. I therefore conclude that the proposal would not harm the character and appearance of the host building or the area. On that basis, the proposal would not conflict with the design requirements of policy LP24 of the Local Plan and the Framework. Given the context of the local character and streetscape, the proposal would also not conflict with the general design principles of the SPD.

20. However, this does not negate my conclusions in respect of the consideration of the Green Belt and openness, particularly in regard of the scale of the proposal compared to the original building.

Other Considerations

21. The proposal would improve the accommodation provided by the dwelling. However, although this would be a private benefit to residents, it has not been demonstrated that the existing accommodation is unsuitable. On that basis, this carries limited weight in favour of the proposal.

Conclusion

22. The proposal would be inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and the Framework requires that substantial weight should be given to any harm. The proposal would also lead to very limited harm to the openness of the Green Belt, and lead to significant harm to neighbouring residents in respect of outlook and light.
23. I have found no harm in respect of character and appearance as well as the living conditions of residents in respect of amenity space, and the proposal would therefore comply with policy LP24 of the Local Plan, the Framework and the aims of the SPD on those issues. However, a lack of harm is not a benefit and these issues are therefore neutral factors in the overall planning balance.
24. There are no other considerations which clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal would therefore conflict with policy LP57 of the Local Plan and the Framework with regards to protecting Green Belt land.
25. For the reasons given above, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR