



Appeal Decision

Site visit made on 2 August 2022 by Darren Ellis MPlan

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd December 2022

Appeal Ref: APP/Z4718/D/22/3296559

Windsor Farm, Hill Top Bank, New Mill, Holmfirth HD9 7DN

- 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 Alan Ormrod against the decision of Kirklees Metropolitan Council.
 - The application Ref 2022/62/90054/W, dated 7 January 2022, was refused by notice dated 7 March 2022.
 - The development proposed is described as 'minor changes to entrance area.'
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Decision

1. The appeal is allowed and planning permission is granted for development described as 'minor changes to entrance area' at Windsor Farm, Hill Top Bank, New Mill, Holmfirth HD9 7DN in accordance with the terms of the application 2022/62/90054/W, dated 7 January 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing and Proposed Plans, Elevations and Site Location Plan drawing no. 21.046(2-)001 Revision A.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

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

3. The main issues are a) whether the proposal would be inappropriate development in the Green Belt; and b) the effect of the proposal on the character and appearance of the area.
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Reasons for the Recommendation

Inappropriate Development

4. The National Planning Policy Framework (the Framework) establishes that the construction of new buildings in the Green Belt are inappropriate except in certain circumstances, including where they involve the extension of an existing building. This is provided that the extension does not result in a disproportionate addition 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.'
5. Policies LP57 of the Kirklees Local Plan Strategy and Policies (February 2019) (LP) is consistent with the Framework in that it seeks to protect the Green Belt but allow extensions which are not disproportionate to the host dwelling. The policy further states that the original building should remain the dominant element in terms of both size and overall appearance, and that proposals to extend buildings which have already been extended should have regard to the scale and character of the original part of the building. However, neither the Framework nor local policy defines 'disproportionate'.
6. The garden room, two-storey extension with porch and the detached double garage have significantly increased the size of the dwelling. However, the proposed alteration to the form and increase in height of the existing two-storey extension would not increase the footprint of the building and would only result in a small increase in the volume of the building.
7. The Framework refers to not resulting in disproportionate additions over and above the size of the original building. However, size is more than a function of volume and footprint and includes bulk, mass, and height.
8. The proposal would result in a limited increase in height of the roof of an existing two-storey extension that is not visible from the street. The ridge line would be lower than the ridge line of the original building, with the eaves lower than that of the western part of the house. As such the proposed alterations would not dominate the original building. Overall, I am satisfied that, as a matter of judgement, the limited scale of the proposed alterations together with the previous extensions would not be disproportionate to the original building and therefore would not be inappropriate development within the Green Belt. The proposal would thus satisfy the Green Belt protection aims of Paragraph 149 of the Framework and LP Policy LP57. Given my conclusions in this respect, it is not necessary for me to consider the effect of the proposal on the openness of the Green Belt.

Character and Appearance

9. As described above, the alterations to the roof of the existing two-storey extension have been designed so that they do not dominate the original building and they would be subservient to it, given the lower ridge and eaves heights. While the cat slide roof would be lost, there are no other such roofs at either the appeal or the adjoining property. Moreover, the proposed pitched roof would be in keeping with the existing roof form.
10. The exterior materials would match the existing building. While the expanse of glazing on the two-storey extension would contrast with the size of existing

fenestration, the use of mullions and transoms would be in keeping with existing style.

11. Overall, the proposal would be in keeping with the existing building in terms of scale, materials and details. As such it would be subservient to and respect the character of the host dwelling and surrounding area.
12. For these reasons, the proposal would comply with LP Policy LP24 (a) and (c), Policy 2 of the Holme Valley Neighbourhood Development Plan (July 2021) and Key Principles 1 and 2 of the Kirklees Council House Extensions and Alterations SPD (June 2021) which all require, amongst other things, for extensions to be subservient and to respect the scale, mass and height and form of existing buildings and the character of the area.

Conditions

13. I recommend the standard time limit condition and a condition specifying the approved plans are imposed for certainty and enforcement. A condition requiring the external materials of the extension to be match the materials of the existing property is necessary in the interests of the character and appearance of the property and surrounding area.

Conclusion and Recommendation

14. There are no material considerations worthy of sufficient weight which indicate that a decision should be made other than in accordance with the development plan. Therefore, and for the reasons given above, I recommend that the appeal be allowed subject to the conditions above.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report, and I agree with the recommendation that the appeal should be allowed subject to the conditions above.

John Morrison

INSPECTOR