



Appeal Decision

Site visit made on 7 August 2023

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2023

Appeal Ref: APP/A4710/D/23/3318942

Moorfield Lodge, Lumb Lane, Wainstalls, Halifax HX2 7UQ

- 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 and Mrs Worth against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 21/01415/HSE, dated 26 October 2021, was refused by notice dated 25 January 2023.
 - The development proposed is side and rear extension, addition of second storey to existing bungalow including raising roof.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Amended Replacement Calderdale Unitary Development Plan 2009 (UDP) was replaced by the Calderdale Local Plan 2018/19–2032/33 (2023) (CLP) on 23 March 2023. This now forms the statutory development plan for the area. I have therefore determined the appeal based on the CLP following consultation with the parties.
3. Although not identified as a reason for refusal the Council's evidence indicated that the appeal site may be a non-designated heritage asset (NDHA). For thoroughness, having sought the parties' views on this matter, this forms a main issue below.

Main Issues

4. The main issues in relation to this appeal 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 on a non-designated heritage asset (NDHA);
 - The effect on the character and appearance of the area and
 - 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 required to justify the proposal.

Reasons

Inappropriate Development

5. Paragraph 149 of the Framework indicates that other than in connection with a small number of exceptions, the construction of new buildings should be

regarded as inappropriate in the Green Belt. 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 is one of the exceptions. This national policy stance on development in the Green Belt is reiterated in Policy GB1 of the CLP, and is the exception upon which the appellant relies. The parties dispute whether the proposed extensions would be disproportionate.

6. Neither the Framework nor Policy GB1 of the CLP provides a definition of a disproportionate addition. Nevertheless, they do refer to 'size' which in my view, can refer to volume, height, external dimensions, footprint, floorspace or visual perception. Therefore, an assessment of whether a proposal would amount to a disproportionate addition over and above the size of the original building, is a matter of planning judgement, taking into account such factors.
7. I agree that proportionality should be applied in respect of the particular property to be extended, which in this case is a very modest single storey dwelling. The Council's officer report suggests that the volume increase from the proposed first-floor, side and rear extensions has been calculated at just short of 100%. This figure is not explained in detail, but I note it is not disputed by the appellant, nor any evidence provided to the contrary. It is clear from the submitted plans that the floor area of the dwelling would be increased by more than 100%, given the creation of a first-floor level that does not currently exist.
8. The proposed vertical and horizontal extensions would result in a considerably higher and wider dwelling of perceptibly greater bulk and scale. Given the very limited size and scale of the existing single garage to the west of the dwelling, its demolition would not offset the substantial increase in floor area and volume of the proposed extensions to any significant degree. In the absence of any compelling evidence to the contrary, the proposed development would result in disproportionate additions to the existing dwelling.
9. Consequently, the proposal would be inappropriate development in the Green Belt, which is by definition, harmful and should not be approved except in very special circumstances. Thus, it would conflict with Policy GB1 of the CLP and paragraph 149c of the Framework.

Openness

10. Paragraph 137 of the Framework indicates that openness is an essential characteristic of the Green Belt, with a key objective to keep land permanently open. Openness has both a visual and spatial dimension.
11. The limited footprint of the dwelling and its pyramidal roof presents a building of very modest scale, which nestles into the landscape. The proposed alterations and extensions to the roof of the existing building, coupled with the additional single storey side and rear extensions would result in a strikingly taller, wider and larger scale dwelling of significantly greater visual prominence. Being bulkier and higher than the existing roof, the proposed first-floor extension would be overtly visible from Lumb Lane and in more medium distance views from Rope Walk and Withens Road, as well as the public right of way to the south. A perceptible erosion of openness would therefore occur.
12. Consequently, the proposed extensions would impact on the spatial and visual dimensions of the appeal site, resulting in significant loss of openness. Conflict is therefore found with paragraph 137 of the Framework.

Non-Designated Heritage Asset

13. The Council identify the appeal dwelling as a NDHA. There is no statutory listing process for NDHA's, or requirement for them to be identified within a development plan, nor is there any formal definition of them in the Framework. The Planning Practice Guidance (PPG) indicates that NDHA's are buildings, monuments, sites, places or areas identified by plan making bodies as having a degree of heritage significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets.
14. Based on the evidence before me, and my own observations on site, I consider that the dwelling merits consideration as a NDHA. The significance of the appeal site as a NDHA is derived from its location at the entrance to the former Moorfield Estate and its historical association as a lodge building. Architecturally its square plan form with sandstone wall construction under a pyramidal roof with large overhanging eaves are also of significance. Despite the introduction of a porch to the front elevation, the dwelling retains almost all of its traditional and original character and form. It is thus, a rare and illustrative example of the former status of the Moorfield Estate.
15. The proposed development would remove the overhanging pyramidal roof with central chimney stack, a key architectural feature of the dwelling. The alteration to a taller, gabled roof with additional extension to the side with no discernible set back from the front elevation, would disguise the original plan form and substantially increase the scale and mass of the building at first floor level. Vertical openings would also be altered to square and horizontal proportions which, in combination with the loss of the roof form, would significantly harm the architectural composition of the NDHA, such that the original character of the former lodge would be lost in its entirety.
16. The proposed development would result in substantial harm to the significance of the NDHA. It would therefore be contrary to Policy BT1 of the CLP which seeks amongst other things, that the design style proposed in new developments should respect or enhance the character and appearance of existing buildings and surroundings, taking account of its local context and distinctiveness, in particular any heritage assets. It would also be contrary to paragraph 203 of the Framework which seeks a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset.

Character and Appearance

17. The appeal site is located in a rural area where built form is distributed intermittently in and around agricultural fields. Buildings typically have simple plan forms with a high wall to window ratio and plain dual pitched gabled roofs above natural local stone walls. Being single storey and with a pyramidal roof form the appeal site is somewhat of an anomaly within the context of the vernacular building types within this area. However, it is typical of its age and purpose as a historical entrance lodge to a rural estate and it contributes positively to the character of the area as a modest rural building of local materials.
18. The proposed extensions as discussed above, would add considerable bulk such that the dwelling's visual prominence would be substantially increased. The use of full height glazing to the front elevation without a significant recess would

result in a prominent feature that is likely to cause glare from reflected sun in views across the open valley. Dormer windows are not characteristic features of buildings within the vicinity of the appeal site. In combination with the full height glazing, they would appear as alien features drawing the eye to a negative degree. The use of matching materials would not mitigate the scale and form of the proposed extensions.

19. The proposed development would cause harm to the character and appearance of the area. It would therefore be contrary to Policy BT1 of the CLP which seeks amongst other things, that the design style proposed in new development should respect or enhance the character and appearance of existing buildings and surroundings, taking account of its local context and distinctiveness.

Other Considerations

20. Paragraph 148 of the Framework states that very special circumstances for new development 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. No other considerations have been advanced to weigh against the harm identified.

Other Matters

21. The lack of objections from statutory consultees and lack of harm in respect of the living conditions of neighbouring occupiers are neutral matters weighing neither for, nor against the proposal.
22. Concerns have been raised as to whether the appeal site is within the setting of a listed building. Without a location plan, it is not entirely clear from the submissions as to which building is being referred to, or the extent to which the appeal site can be considered to form part of the setting of a listed building. Had I been minded to allow the appeal, I would have sought additional information from the parties on this matter. As I am dismissing on other grounds, this has not been necessary.

Conclusion

23. The proposal would amount to inappropriate development in the Green Belt, resulting in a significant loss of openness and harm to a NDHA and the character and appearance of the area. The Framework establishes that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
24. Given the substantial weight to be given to Green Belt harm, combined with the other identified harm and lack of other considerations, the harm is not clearly outweighed. Therefore, the very special circumstances necessary to justify the proposal do not exist. The appeal is dismissed.

M Clowes

INSPECTOR