



Appeal Decision

Site visit made on 3 August 2023

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 August 2023

Appeal Ref: APP/Z4718/D/23/3317202

39 St Helens Gate, Almondbury HD4 6SG

- 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 Noad against the decision of Kirklees Metropolitan Council.
- The application Ref 2022/62/93727/W, dated 15 November 2022, was refused by notice dated 3 February 2023.
- The development proposed is described as single storey rear extension with covered terrace.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issues

3. The main issues are:
 - whether the proposal would constitute inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies, including the effect on openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the area, including the Almondbury Conservation Area (CA); and
 - 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

4. The National Planning Policy Framework (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Development within the Green Belt is inappropriate, with certain exceptions that are set out in Framework paragraphs 149 and 150. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

5. One such exception being 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. Annex 2 of the Framework defines the original building as being as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. The Framework does not provide a definition of 'disproportionate additions' and 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.
6. Policy 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.
7. From the evidence before me, the host dwelling has previously been extended through the introduction of a two-storey side extension, single-storey side extension and porch extension. The proposal would increase the footprint of the property through the introduction of a long single-storey extension projecting from a previous side extension with a width of approximately 5 metres. It would also increase its volume. The Council estimates the total volume increase from the previous additions and proposed extension to be approximately 85.84% over that of the original building, a matter not disputed by the appellant. Taken together, these increases would amount to a substantial addition to the property, and one which I find to be disproportionate over and above the size of the original building.
8. For these reasons, the appeal proposal would be inappropriate development in the Green Belt which is, by definition, harmful. It would therefore conflict with Policy LP57 of the LP and the associated policies of the Framework.

Openness

9. Paragraph 137 of the Framework advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness is the absence of development and has both spatial and visual dimensions.
10. The footprint and volume of the proposed development would give rise to a spatial loss of openness on the site as it results in development where there was previously none. From a visual perspective, the area to the west of the site is open, being formed of a field which falls in a south-easterly direction. Views into the appeal site are partially restricted by existing trees located at the rear of the garden. However, there is no substantive evidence that these trees are to be retained, which would further expose views of the appeal site from the adjacent field and from dwellings located on Grasscroft. Given the mid-range views of the site from this direction and site topography, the additional built form, when viewed cumulatively alongside the existing extensions, would be highly visible from these public vantage points. The development would therefore reduce the openness of the Green Belt in both visual and spatial terms.

Character and appearance

11. The appeal site is located within the CA. As such, I have had regard to the duty to pay special attention to the desirability of preserving or enhancing its character or appearance.
12. The significance of this part of the CA lies largely in the form, layout, scale, detailing and materials of its historical buildings of different ages and styles. Whilst there is a variety to the architecture, many of the properties are of traditional appearance, modest size with pitched and hipped roofs.
13. The appeal property is on a relatively spacious plot, and as such, the extension does not appear overlarge, relative to the overall plot size. The scale and form of the single storey extension adjoining a previous extension nevertheless still results in a significant addition relative to the main property. As such, although set down, the single-storey extension results in additional bulk at the rear of the main dwelling that is out of character with the more modest form and appearance of the host building.
14. The consequential harm is not, in my view, sufficiently resolved by the use of matching stone and ashlar detailing or lack of visibility from the road on St Helens Gate. In any case, the proposed extension would be visible at the rear from the adjoining field and, to a lesser extent, dwellings located on Grasscroft. I therefore consider that the single-storey rear extension, by virtue of its scale, siting and design adjoining a previous extension, fails to achieve an appropriate degree of subordination to the host property and would fail to harmonise with the architectural qualities of the host property. As such, I consider that the proposed extension results in an incongruous and out-of-keeping addition that causes unacceptable harm to the host property and the surrounding area. For these reasons, it would not result in a better quality dwelling on the site.
15. Having regard to the requirements of the Framework, the proposal would result in less than substantial harm to the character and appearance of the CA. The Framework states that where a development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
16. The proposal would result in a private benefit for occupants of the dwelling through the provision of more habitable internal space with easier access to the garden. However, there are no public benefits in this instance which would outweigh the less than substantial harm to the character and appearance of the CA.
17. The development would therefore be contrary to Policies LP24, LP35 and LP57 of the LP. Amongst other things, these policies seek to ensure proposals promote good design that respects and enhances the townscape and preserves heritage assets. The proposal would also conflict with the provisions of the Framework in so far as it seeks to ensure that development is sympathetic to local character and sustains the significance of heritage assets. It would also be contrary to the guidance contained within the Council's adopted House Extensions and Alterations Supplementary Planning Document, which guides development to be in keeping with local character and the original dwelling.

Other Considerations

18. In support of the appeal, the appellant highlights that the extension would not harm adjoining occupiers or be readily visible. Notwithstanding the visibility of the extension I have already identified, a lack of harm is neutral and does not weigh in favour or against the proposal.
19. I accept that the proposal would enhance the living conditions of the existing and future occupiers of the property. However, from my observations onsite and the evidence provided by the appellant, the occupiers of the property receive good levels of light and have easy access to the outdoor amenity space. As such, these personal circumstances for enhanced light and garden access carry little weight.
20. Taking all the above into consideration and the harm to the Green Belt I have identified, I am not persuaded that all of the above considerations would outweigh the substantial weight that should be given to any harm to the Green Belt.

Other Matters

21. I acknowledge the appellant's comments in relation to making reductions to the footprint of the proposed scheme. However, I have determined the appeal on its merits and found detrimental harm for the reasons set out.
22. My attention has been drawn to paragraph 135 of the Framework. As this relates to changes to approved development, which the proposed development is not, I have not considered this further.

Conclusion

23. The proposed development would be inappropriate development in the Green Belt resulting in a disproportionate addition to the original dwelling and a loss of openness. The Framework establishes that substantial weight should be given to any harm to the Green Belt. It would also be harmful to the character and appearance of the area and the CA. 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 the limited benefit of the proposed scheme, the harm is not clearly outweighed by other considerations. Therefore, the very special circumstances necessary to justify the proposal do not exist, such that the appeal should be dismissed.

A Hickey MA MRTPI

INSPECTOR