



Appeal Decision

Site visit made on 9 August 2023

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2023

Appeal Ref: APP/Z4718/D/23/3319054

Beckside, Dam Hill, Shelley, Huddersfield HD8 0PX

- 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 & Mrs W & C Taylor & Metcalf against the decision of Kirklees Metropolitan Council.
 - The application Ref 2022/62/92665/E, dated 5 August 2022, was refused by notice dated 17 January 2023.
 - The development proposed is a two storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of the development plan and the National Planning Policy Framework (the Framework), including the effect on openness,
 - the effect of the proposal on the character and appearance of the host dwelling, and
 - if the proposal is inappropriate development in the Green Belt, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

3. The Framework advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to say that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances.
4. Framework paragraph 149 states that the construction of new buildings should be regarded as inappropriate in the Green Belt, unless the development would fall within one of the exceptions listed. These include 149c), which allows for the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the original building. The Framework defines 'original building' as the building as it existed on 1 July 1948, or if it was constructed after that date, as it was built originally.

5. The Framework does not provide any further explanation as to what constitutes a 'disproportionate addition', but local interpretation is provided in Policy LP57 of the Kirklees Local Plan 2019. This policy says that the extension of buildings in the Green Belt will be acceptable where the original building remains the dominant element, both in terms of size and overall appearance. Policy LP57 makes clear that the cumulative impact of previous extensions and additions will be taken into account in making such an assessment.
6. The starting point is therefore the original building, and any subsequent additions or alterations to it. Whilst I have not been provided with sufficient information to reach a clear conclusion about its original scale and form, it is clear that the house was remodelled and extended in 2017 (application ref 2017/93117). In addition, a detached double garage was constructed at the front of the property, following a grant of planning permission in 1991 (ref 91/04779).
7. Policy LP57 makes clear that the cumulative impact of other associated buildings will be taken into account when assessing whether an extension would be disproportionate. Although it is detached, the large garage is very close to the house, so it is reasonable to include it as part of the assessment of cumulative additions to the property. For the purposes of this appeal, I have therefore taken the original building to be the situation which existed prior to the addition of the garage and the subsequent 2017 remodelling.
8. The parties have provided different figures for the size of the building before and after 2017. However, using the appellant's calculations, which are based on lower figures than those suggested by the Council, the 2017 extensions and current proposal would, when taken together, result in a 35% increase in the footprint of the house, and a 61% increase in volume.
9. This represents a significant increase in the scale of the dwelling since 2017 and does not take account of the garage. The pitched roofed garage is a substantial building, which, according to the Council, has a footprint of around 64m². When the garage is included, the cumulative increase over and above the footprint and volume of original building would be considerably greater than that suggested by the appellant.
10. In quantitative terms, the previous alterations and the extension now proposed would together represent a significant increase in the overall size of the original building. However, size is not the only consideration, and an assessment of the effect of the proposal on the overall appearance of the building is also required.
11. Local Plan Policy LP57 requires 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. To assist with this, the appellant has provided drawings showing the front elevation before and after the house was extended in 2017.
12. From the information provided, it appears that the 2017 alterations did not substantially increase the overall footprint of the house, and the ridge height remained the same. However, the appearance of the front elevation was significantly altered. To provide additional living space at first floor level, the two front gables were enlarged, and the steeply sloping side hips on the roof

were replaced with gables. The rear of the property has a contemporary appearance and has clearly been altered too.

13. The front elevation of the house would be unaffected by the proposed extension, and a significant proportion of the existing rear elevation would remain visible. However, the proposed two storey addition would project at full height for 6m beyond the existing rear wall, or around 4.5m beyond the existing rear gable element. Owing to its scale, height and mass, the additional built form would result in a significant change to the appearance of the back of the house.
14. The plan form of the original building has already been altered by the enlargement of the front dormers and the addition of the garage, and the proposed rear extension would change this further. In addition, the previous extension and alterations have already increased the bulk and mass of the building, particularly at first floor level. The addition of the proposed full height two storey rear extension would further increase the scale of the house at the upper level.
15. Overall, I find that the effect of the proposal, together with the previous extensions and alterations, would be to have reached the stage where the original building would no longer form the dominant element. As such, the proposal would fail to comply with Local Plan policy LP57.
16. I conclude that the proposal would represent a disproportionate addition over and above the size of the original building. As it would not meet the exception set out in Framework paragraph 149c) or any other exceptions, it would constitute inappropriate development in the Green Belt.

Effect on openness

17. Openness is an essential characteristic of Green Belts, which has visual as well as spatial aspects.
18. In this case, the proposed development would increase the overall footprint of the building. In spatial terms, there would be a small loss of openness. The increase in the overall bulk and scale of the property would also have a visual impact. However, the relatively isolated position of the property and its wider woodland setting means that the proposed extension would not be visible from the road, or from other nearby properties. As a result, the visual impact would be limited in extent.
19. Overall, I find that the additional built form would detract from openness in both spatial and visual terms, but only by a modest amount.

Character and appearance

20. The appeal property is a substantial detached house set within a large garden. The dwelling is set well back from the road, and in any case the proposed extension would be at the rear. The effect of the proposal on the character of the wider area and the streetscene would be minimal, and there would be no conflict with Key Design Principle 1 of the House Extensions & Alterations Supplementary Planning Document (SPD).

21. However, owing to its rear projection, height and mass, the proposed two storey extension would be a substantial addition to the rear of the property. The materials and fenestration would reflect that of the existing house, but when viewed from the rear, the addition of a second prominent gable would significantly change the character of the house, detracting from its currently well balanced and harmonious appearance.
22. Furthermore, the extension would continue the ridge height of the existing house, and this, together with its significant projection, would mean that the proposed two storey addition would appear out of scale with, and not subservient to, the existing house.
23. The impact would only be at the rear of the property, but even so, the proposal would detract from the character and appearance of the host dwelling. As such, the scheme would not fully comply with the requirements for the design of extensions contained in point c. of Local Plan Policy LP24. For similar reasons, it would conflict with Key Design Principle 2 of the SPD.

Other considerations

24. The appellant has provided details of an appeal in the Borough of Guildford, in which a large extension was not considered to be disproportionate¹. The Inspector in that case took account of the setting of the house within a large garden, and I acknowledge that the appeal site has similar characteristics. However, the proposed extension in the Guildford case would have been situated between two existing rear projections and would not extend the built form of the dwelling beyond the existing development, which is not the case here. Furthermore, the Guildford appeal was assessed in accordance with different Local Plan policies from the current appeal, with a different approach to assessing whether or not an extension might be disproportionate. The Guildford case does not provide a reason to take a different view to the appeal before me.
25. The proposed extension would provide additional living space for the appellant's family whilst retaining a good sized rear garden. This would no doubt be an advantage for the appellant, but it does not justify the harm to the Green Belt which the proposed extension would cause.
26. The effect of the proposal on the living conditions of neighbouring occupiers would be negligible, so there would be no conflict with SPD Key Design Principle 3 concerning privacy. This represents a lack of harm, which is neutral in the planning balance.

Green Belt balance and conclusion

27. I have found that, in combination with previous extensions and additions, the proposed extension would be a disproportionate addition over and above the size of the original building. As such, it would constitute inappropriate development in the Green Belt. The extension would detract from openness, albeit by a small amount, and would fail to respect the character and appearance of the host dwelling.

¹ Appeal ref APP/Y3615/W/18/3202309

28. Framework paragraph 148 establishes that substantial weight should be given to any harm to the Green Belt. I have identified no other considerations which clearly outweigh this harm, and the harm to the existing building. The very special circumstances necessary to justify the scheme do not exist. The appeal is therefore dismissed.

R Morgan

INSPECTOR