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# Appeal Decision

Site visit made on 23 January 2024

**by N Kempton BA(Hons) PGDip MA IHBC MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 22 March 2024**

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**Appeal Ref: APP/A4710/D/23/3330123**

**Summerville, Keighley Road, Illingworth, Halifax HX2 8XT**

- 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 Williams against the decision of Calderdale Metropolitan Borough Council.
  - The application Ref 23/00402/HSE, dated 9 May 2023, was refused by notice dated 4 July 2023.
  - The development proposed is a first floor extension with dormers.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The description of proposed works is taken from the decision notice, rather than the application form, which includes the word 'extension', in the interests of clarity.
3. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework). Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by this.

## Main Issues

4. The main issues are:
  - Whether the proposed development would be inappropriate development in the Green Belt, having regard to the development plan and the National Planning Policy Framework (the Framework);
  - If the proposed development is inappropriate, the effect on the openness of the Green Belt; and
  - If the proposed development is inappropriate, 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 necessary to justify the developments.

## Reasons

### *Inappropriate development*

5. The appeal site lies in the Green Belt where policy GB1 of the Calderdale Local Plan 2023 (LP) applies. This policy aligns with national Green Belt policies. The

Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; and that the essential characteristics of Green Belts are their openness and their permanence. It indicates that the construction of new buildings should be regarded as inappropriate development in the Green Belt. The Framework sets out a number of exceptions to this in paragraph 154.

6. The exception that is of most relevance to this appeal is: part (c) extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
7. The proposed extension would involve raising the height of the single storey dwelling to a full 2 storeys to create an additional floor and the installation of dormer windows. The appellants suggest that this would be a 31.8% volumetric increase over the original building, but whether the proposal would be disproportionate is not solely a matter of volume.
8. The raised extension would result in the height of the building being significantly increased across its full footprint. The proposed dormer windows would be large and bulky additions to the roof. Taken together, these proposals would accentuate the height and scale of the appeal property and so would amount to disproportionate additions to the existing modest single storey house. As such, the proposed development does not meet exception (c).
9. The development is therefore inappropriate development in the Green Belt.

#### *Effect on the openness of the Green Belt*

10. The proposed extension, with the resultant increase in ridge and eaves height and addition of several prominent projecting dormer windows, would impact on the visual openness of the Green Belt. The design of the proposed extension does little to visually relieve the effect of the increased volume and bulk of the dwelling, which would have a significant effect on the spatial dimension of its openness. For these reasons, the proposal would result in harm to openness.

#### *Other Considerations*

11. I have found that the development causes harm to the Green Belt by reason of inappropriateness and loss of openness, and in accordance with the Framework this harm carries substantial weight. The Framework advises that inappropriate development in the Green Belt should not be approved, except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
12. The appellant has secured a Certificate of Lawful Development for the addition of one storey above a single storey bungalow that could be constructed under permitted development rights - there is a realistic prospect that this scheme would be implemented, and it is therefore, in effect a fallback position. The appellant considers that the appeal proposal presents a more attractive proposition, and states that the appeal scheme will have a reduced increase to the ridge and eaves height and overall volume in comparison to the Class AA proposal (the fallback position). The appeal scheme would, however, feature several prominent dormers punctuating the roofscape. For these reasons, the appeal scheme would have a greater impact on the openness of the Green Belt

- and would be significantly more harmful to the Green Belt compared with the fallback position.
13. I therefore attribute limited weight to the fallback position, which is not sufficient to clearly outweigh the harm I have identified.
  14. I acknowledge the case, cited by the appellant, of a dwelling in the vicinity, known as Moorlands, for which consent has been granted to extend and raise the roof. However, I do not have the full details of that case, so I am unable to draw any direct parallels to the case from the conclusions which led to that approval. I therefore can attribute only limited weight to comparison with that planning permission. Nonetheless, I have considered the appeal proposal on the particular circumstances at this site and on the merits of this case.
  15. Notwithstanding the support in the Framework for upward extensions, this must be balanced against the Green Belt harm. Whilst the proposed development would not increase the footprint of the dwelling, raising the ridge and eaves height and increasing the volume and bulk of the dwelling would have a significant effect on the spatial dimension of the openness of the Green Belt, reducing the openness by an appreciable degree. This harm carries substantial weight.
  16. It is accepted that dwellings in the locality are varied in style and scale. However, of the 3 properties shown in figure 3 of the appellant's statement, the first two properties feature dormer windows which are wholly within the slope of the roof. The eaves heights are low, consistent with a predominantly single storey property. As such, the massing and scale of these properties is modest. This is not directly comparable with the appeal proposal, which would raise the ridge and eaves height of the dwelling to a full 2 storeys, with the dormer windows rising directly through the eaves.
  17. The third property shown in figure 3, known as Silver Pines, is similarly not directly comparable with the appeal property, as whilst it is 2 storeys, it has a more compact footprint and the accommodation in the roof space appears to be served by rooflights rather than dormer windows. The appeal property has a sizeable footprint. The increased eaves and ridge height together with the prominent and large projecting dormers in the appeal scheme would accentuate the height and scale of the appeal property. For these reasons, I attribute only limited weight to the suggested comparisons with these properties.
  18. The harm by reason of inappropriateness, is not clearly outweighed by other considerations either individually or cumulatively. I conclude that very special circumstances, necessary to justify the development, do not exist.
  19. Therefore, the proposed development is contrary to the objectives of policy GB1 of the Calderdale Local Plan 2023 and the Framework, which seek to protect the Green Belt from inappropriate development.

## **Conclusion**

20. For the reasons given above, the appeal is dismissed.

*N Kempton*

INSPECTOR