



Appeal Decision

Site visit made on 28 May 2024

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 June 2024

Appeal Ref: APP/Z4718/D/24/3339642

401 Catch Bar Farm, Dunford Road, Hade Edge, Holmfirth HD9 2SZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Leary against the decision of Kirklees Metropolitan Council.
 - The application Ref is 2023/62/91931/W.
 - The development proposed is erection of extensions and alterations and formation of annexe accommodation.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have used the description of the development in the banner heading above from the Council's decision notice which accurately describes the proposal.

Main Issues

3. The main issues are:
 - Whether the proposed development is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect of the proposed development on the openness of the Green Belt;
 - The effect of the proposed development on the character and appearance of the surrounding area; and
 - If it is inappropriate development, 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 the development.

Reasons

Whether inappropriate development

4. The appeal site is situated in the Green Belt. The Framework says (paragraph 154) 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. One exception listed includes 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.

5. Similarly, but distinct from the Framework's test, Policy LP57 of the Kirklees Local Plan (LP) requires, amongst other things, that the original building remains the dominant element both in terms of size and overall appearance. The supporting text to the policy goes on to say that disproportionate additions will be deemed to be those where the original building is no longer the dominant element.
6. The proposed side extension would be a sizeable addition, which due to its depth, height and heavily glazed wide gable would be an overtly dominant feature. In my view, the original building, although larger, would no longer be the dominant element from the south and rear views.
7. There is no definition of what constitutes disproportionate additions within the Framework or the LP. The Council have calculated that the proposal would result in approximately a 32% increase in volume to the original dwelling and I have no reason to dispute this figure. On balance, the combination of this percentage increase with the dominance of the proposed side extension leads me to find that the proposed development would amount to disproportionate additions over and above the size of the original building.
8. The proposed development would thus be inappropriate development for the purposes of Green Belt policy and would conflict with Policy LP57 of the LP and the Framework in so far as it relates to this matter.

Openness

9. As set out in paragraph 142 of the Framework, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, the essential characteristics thereof being its openness and permanence. The physical presence of built forms may affect openness, which can also have a visual and spatial element.
10. In this instance the physical area of the proposed development would be concentrated around the existing property and thus its spatial impact on the Green Belt would be limited.
11. The side extension's height and length of projection to the side would be less than the host property. However, it would appear an overtly dominant feature when travelling along Dunford Road toward Hade Edge and from its rear. Its bulk and massing above ground level would have an imposing presence, which would result in a reduction in openness visually. Whilst the extent of this impact would be small, it adds to the harm I have identified by reason of inappropriateness.
12. I therefore find on this main issue that the proposed development would have a harmful effect on the openness of the Green Belt and would conflict with the Framework in so far as it relates to this matter.

Character and appearance

13. The appeal dwelling is a two storey stone built property with a distinctly linear plan form. It is highly visible along Dunford Road near but outside of Hade Edge and sits in an exposed location along the road. The surrounding area is characterised by a rolling upland landscape comprising of fields bordered by stone walling, long open views and sporadic farms and traditional dwellings between settlements. In this regard, the property's traditional materials,

appearance and plan form make a small but positive contribution to the character and appearance of the surrounding area.

14. The proposed extension to the side would maintain the linear plan form when viewed from the west. However, the combination of the extent of projection to the rear, its height, resulting massing and its large heavily glazed gable, would result in an overtly dominant feature that would jar injuriously with the host property's linear plan form. Whilst the extent of harm would not be evident in all public views of the dwelling, there would still be harm from the side views when travelling along Dunford Road toward Hade Edge and from its rear.
15. I therefore conclude on this main issue that the proposed development would have a harmful effect on the character and appearance of the surrounding area. As such, I find conflict with the requirements of Policies LP24 and LP57 of the LP, the principles of the House Extensions and Alterations Supplementary Planning Document, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan, and paragraph 135 of the Framework, when taken together and in so far as they relate to this matter. These say, amongst other things, that proposals should promote good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape.

Other considerations

16. No other harms have been identified by the Council. However, the lack of harm in these respects' weighs neither for nor against the proposal. I understand that extending the property would meet the appellants need for increased accommodation. However, personal circumstances will seldom outweigh more general planning concerns and the appellants desire to extend the property does not, therefore, amount to very special circumstances that weigh in favour of the proposal.

Other Matters

17. I have been referred to discussions between the Council and the appellants regarding an alternative design with a dormer suggested by the Council. However, I must determine the appeal proposal before me on its own merits and the potential acceptability, or not, of an alternative scheme is not a matter for my consideration.

Conclusion

18. The proposed development would be inappropriate development in the Green Belt and would conflict with Policy LP57 of the LP. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to that harm. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
19. In addition to the harm by way of inappropriateness, the proposal would result in a small degree of harm to the openness of the Green Belt and to the character and appearance of the surrounding area.
20. Drawing the above together, the other considerations, in this instance, do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the proposed development do not exist.

21. The proposed development would conflict with the development plan when read as a whole, and there are no material considerations that indicate that the appeal decision should be taken other than in accordance with it.
22. For the reasons given above, and having regard to all matters before me, the appeal is dismissed.

Mr R Walker

INSPECTOR