

Appeal Decision

Site visit made on 13 May 2024

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2024

Appeal Ref: APP/Z4718/D/23/3335007

Lane Side Farm, 24 Lane Side, Kirkheaton, Huddersfield HD5 0NT

- 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 K Stokes against the decision of Kirklees Council.
 - The application Ref 2022/62/94049/W, dated 14 December 2022, was refused by notice dated 24 October 2023.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at Lane Side Farm, 24 Lane Side, Kirkheaton, Huddersfield in accordance with the terms of the application, Ref 2022/62/94049/W, dated 14 December 2022, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2094, 2094/01 and 2094/02.
 - 3) The materials used in the construction of the external surfaces of the extension hereby permitted shall match those of the existing dwelling.

Main Issues

2. The main issues are:
 - Whether the proposed extension would be inappropriate development in the Green Belt and, if so, whether other considerations clearly outweigh the harm to the Green Belt, and any other harm, so as to amount to very special circumstances; and
 - The effect on the character and appearance of the area.

Reasons

Whether inappropriate development

3. The proposal would result in a single storey rear extension to this dwelling which is situated in the Green Belt. Policy LP57 of the Kirklees Local Plan 2019
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- (LP) sets out that extensions to buildings in the Green Belt will normally be acceptable provided they meet certain criteria. Of particular relevance, part (a) requires that the original building remains the dominant element both in terms of size and overall appearance; and that the cumulative impact of previous extensions and of other associated buildings will be taken into account. Proposals to extend buildings which have already been extended should have regard to the scale and character of the original part of the building.
4. The *National Planning Policy Framework 2023* advises that new buildings should be regarded as inappropriate unless they fall within a specified exception. The relevant exception is that an extension would not result in disproportionate additions over and above the size of the original building. The *Framework* does not specify a figure as to what represents disproportionate additions. It defines original building as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.
 5. This building pre-dates 1948. It has been extended by virtue of a permission granted in 2021 for a part two storey/part first floor side extension, replacement sunroom and new vehicle access. Prior to that, the council describe that there had been a number of additions including a flat roof utility section to the side; and a conservatory and porch to the rear.
 6. The council report that the 2021 permission increased the gross internal floor area of the dwelling by approximately 44.5%. This calculation appears to be based on a view that the flat roof utility section, the conservatory and the porch were not part of the 1948 building. They advise that the proposed addition would add in the region of a further 50m³ of volume. The council have not provided the figures on which their calculation of the 44.5% increase in internal floor space, for the previous works, is based, nor a volume increase calculation. It is not therefore possible to determine the overall percentage increase of gross internal floor area resulting from this further increase of about 16m². It would obviously exceed the 44.5% previously calculated.
 7. The appellant advises that the dwelling prior to the 2021 permission, not including the sunroom and porch, had a volume of 492m³. This appears to include the previous addition to the side. Map extracts have been provided which show that a side element, beyond the single story section of the house, was not present in 1930 but was present by 1955. What appears to be a larger side extension than shown on the 1955 map, is shown on an aerial photograph, taken before the 2021 alterations. Based on the appellant's figures, the 2021 works took the volume to 611m³, representing a 24% increase. The appellant advises that the new extension represents a volume of 45m³ which would result in an increase in the volume, based on the 492m³ figure, of 33%.
 8. The council's figures and those of the appellant are not entirely comparable given that they appear to relate to a different interpretation of the size of the building in 1948 but also given the change by the council from square meters to cubic metres. Where they are comparable, there is a slight difference in the calculated volume of the proposed extension but this appears to relate to the treatment of the area enclosed by the parapet wall. I am mindful that the council accepted the existing increases as not being disproportionate additions in 2021, although now describing it in the officer report as being on the cusp of acceptability. That permission also included a substantial new area of driveway

- which replaced a grassed area of garden. The new extension would be constructed in an area that is already surfaced. This area contained the small entrance porch previously mentioned, which has now been removed.
9. The evidence is not definitive with regard to the extent of buildings present in 1948. However, even discounting the lean-to side addition referred to, I am mindful of the scale of the original two storey house and its single storey side addition as shown on the 1930 map extract. The more recent works, together with this proposal, would result in an increased footprint, but only by a very limited amount. The change in volume and internal floor area that would result, compared to the changes previously accepted as being not disproportionate additions, would also be very limited. The area of the currently proposed works, within an already surfaced patio area, particularly when considering the scale of the approved parking and turning area, would similarly be very limited.
 10. In the particular circumstances of this case, the retained original form of the building would remain the dominant element both in terms of size and overall appearance. This would be the case when having regard to the cumulative impact of previous extensions and the now proposed works in combination. The proposal therefore satisfies the criteria set out in LP policy LP57(a). With regard to the exception set out in the *Framework*, despite the lack of certainty with regard to the 1948 position, I am not persuaded that the already permitted works, together with the very limited scale of this further extension, would represent disproportionate additions, even when compared to the building shown on the map extract from 1930.
 11. As the original form of the building would remain dominant and the works in combination would not result in disproportionate additions over and above the size of the original building, the proposal would not represent inappropriate development in the Green Belt when assessed against the development plan or the *Framework*.

Character and appearance

12. The proposed extension would be set to the rear of the property and would be built in matching materials. Given the high roadside wall and proposed gate, it would have very limited public prominence. From the countryside beyond, it would be viewed against the backdrop of the main building. It would be subservient in scale to the main structure of the dwelling and it would sit unobtrusively within the already surfaced private paved area of the garden. Historically, it appears that this house, the attached dwelling and the nearby residential properties all had predominantly linear forms. However, they all now include single storey rear additions. In these circumstances, the proposal would not be out of keeping. The parapet roof, although not reflecting the form of the main roof, would sit comfortably and unobtrusively in this location and overall, the proposal would represent a high standard of design. It would not result in harm to the character or appearance of the area.
13. There would be no conflict with the design elements of LP policy LP57(c & d) as the design and materials would be of a high quality; the original building would remain the dominant element both in terms of size and overall appearance; and the impact on openness in terms of the treatment of outdoor areas, including hard standings, would not change. There would also be no conflict

with the similar requirements of LP policy LP24(a & c). Key design principles 1 and 2 of the House Extensions and Alterations Supplementary Planning Document 2021 would be satisfied as the proposal would not dominate or be larger than the original house; and would be in keeping with the appearance, design and character of the house and the wider area.

Conclusions

14. The proposal falls within the categories of development that are acceptable in the Green Belt as set out in the development plan and the *Framework*. The extension would not therefore represent inappropriate development. Very special circumstances would not be necessary to justify it. The design and scale would ensure that it would not harm the character or appearance of the area. As there are no matters that weigh significantly against the proposal, I allow the appeal.
15. I have imposed conditions relating to the commencement of development and the details of the approved plans for the avoidance of doubt and in the interests of proper planning. I have required that the materials match those of the dwelling to ensure that the extension would have a satisfactory appearance.

Peter Eggleton

INSPECTOR