



Appeal Decision

Site visit made on 12 June 2024

by L N Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 June 2024

Appeal Ref: APP/X4725/D/24/3340046

12 Brierley Road, South Hiendley, Barnsley S72 9BA

- 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 Terri Sidebottom against the decision of Wakefield Council.
 - The application Ref is 23/02344/FUL.
 - The development proposed is two storey side extension, first floor side extension, garage conversion, whole house render, demolition of existing outbuilding.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has provided hand-annotated plans in response to the Council's observations, to suggest a revised proposal reduced in scale. However, these are not sufficiently detailed so as to form the basis of a planning permission, were I minded to allow the appeal. An amended proposal has not been fully consulted upon, and furthermore, amending the plans in this way would conflict with the description of the development. I have therefore determined the appeal on the basis of those plans before the Council at the time of its decision.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework ('the Framework') (2023) and any relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the proposal on the character and appearance of the area; 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 necessary to justify the proposal.

Reasons

Inappropriate Development in the Green Belt

4. The site comprises a detached 2 storey dwelling, including previous extensions of a side porch, single storey rear kitchen, and single storey side garage. The proposal would result in extensions to either side of 2 storeys high, incorporating demolition of the porch, and conversion of the garage. All walls would be rendered white, with demolition of the timber rear outbuilding. The site lies within land defined as Green Belt.

5. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policy LP62 of the Wakefield District Local Plan 2036, Volume 1 Development Strategy, Strategic and Local Policies (LP) broadly takes the same approach to Green Belt.
6. The construction of new buildings in the Green Belt is inappropriate, subject to several exceptions in the Framework paragraph 154. That relevant is 154(c), 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. The Framework does not define 'disproportionate additions'. The Wakefield District Residential Design Guide Part 2: Guidance for Householders Supplementary Planning Document (RDG) (2018) identifies 50% as the limit above which any increase to the footprint or volume of the original structure is considered to be disproportionate.
7. The parties disagree on the size of the proposed overall volume and footprint increase, primarily due to which on-site structures and existing extensions should be included as a starting point. I note the appellant's emphasis that extensions and buildings on the site have been granted permission or have been immune from enforcement action under the 4 year and 10 year rules, and that they are not 'recent' as described by the Council. However, Annex 2 of the Framework defines 'original building' as a building as it existed on 1 July 1948 or, if constructed after that date, as it was built originally.
8. My assessment of the size increase of the proposal, is thus based on the dwelling as built originally, which excludes the garage, porch, rear extension, and outbuildings. The Council's assessment, on this same basis, is that the proposal would result in a 119% volume increase and a 144% footprint increase. The appellant has not provided specific contradictory evidence of the size of the original dwelling or of the overall proposed size increase from it.
9. The RDG further identifies that the floorspace and volume of any buildings to be demolished as part of a proposal can be offset against the proposed extension increase. Demolition of a wooden rear single storey outbuilding is referenced within the application description, for which the appellant's evidence only includes limited details. The Council considers it unlawful due to its height and position in relation to the boundary, but that if its height were slightly reduced in order to align with permitted development rights, offsetting would result in an overall 102% increase in volume and 100% increase in footprint.
10. The appellant also refers to 2 other outbuildings, which the evidence indicates were of solid and permanent construction, and had been on the site for many years. However, they have been demolished at some point since the appellant's ownership. There is nothing in the RDG or the Framework to suggest that the calculations should take these into account. Even were I to attempt to do so based on their longstanding site presence, information as to their overall size and visual impact is too limited to allow for this.
11. Therefore, in assuming the best case scenario for the appellant, I could take the wooden outbuilding into account in offsetting, and I could assume the Council's overall figures are slightly too high. Even so, I find that the proposal as a whole would still be a substantial addition compared to the original, and

would be significantly above the RDG 50% limit. I note that there would be an overall decrease in footprint compared to that existing at present on the site, but this would not sufficiently mitigate the increase against the original, or the volume increase against that existing.

12. In consideration of the associated height and bulky massing of the extensions, this increase 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. For these reasons, the appeal proposal would be inappropriate development in the Green Belt which is, by definition, harmful. The proposal would therefore conflict with the LP Policy LP62, the RDG section 1.14, and Section 13 of the Framework.

Openness

13. The site lies within a short ribbon of residential development on Brierley Road, as one of the furthestmost extents of the village. Fields lie directly opposite and to the rear, and there is a strong rural character. The openness of the Green Belt is clearly evident around the site and the wider area.
14. The Framework paragraph 142 identifies that a fundamental aim of Green Belt policy is to keep land permanently open. Openness has spatial as well as visual aspects. Spatially, the erection of the extensions would result in built development where there is presently none. The appeal proposal would thus increase the volume, height, and massing of the existing dwelling. Visually, the property is visible from the road and neighbouring properties. The proposal would be visually apparent, particularly due to the height and massing of the 2 storey extensions surrounding the original dwelling. The proposal would thus result in harm to openness, both spatially and visually.

Character and Appearance

15. In isolation, the proposed roof forms and fenestration would respect that of the existing dwelling, and the roof material could be controlled via a condition to ensure that it harmonises with the streetscene. The render would result in a more contemporary appearance in contrast to the original dwelling, but this would be appropriate as both adjacent dwellings have been similarly finished.
16. However, the significant additional massing, particularly at first floor, would not be subordinate to the original form of the house and would dominate it. This would be exacerbated due to the lack of noticeable set-back from the front at ground or first floor, and no set down from the original ridge line. The proposal would also be overly dominant within the wider streetscene. While some neighbouring properties do incorporate relatively large extensions, this does not indicate design support for creating significant additional massing.
17. The appellant considers the demolition of outbuildings has greatly improved the site's visual appearance, and the Council agrees this in principle with reference to the single outbuilding identified on the plans. However, I find this to not sufficiently offset the proposal's overall harm.
18. In conclusion, the proposed development would result in harm to the character and appearance of the area. It would therefore be contrary to the LP Policies SP23, LP56, LP57, and LP62 which together and amongst other matters, seek for development to be high quality design which is appropriate to and respects the character and scale of its host and the locality, in terms of scale, massing,

height, and style. It would also conflict with the RDG which similarly requires proportions and roof form of extensions to be in keeping with the original house, and to not be visually dominant. The proposal would also conflict with the Framework paragraph 135 regarding the need for development to add to the overall quality of the area, and to be visually attractive as a result of good architecture.

Other Considerations

19. The proposal would provide greatly increased living space within the dwelling for when the appellant's family moves in. This size is identified as particularly necessary to achieve the required 5 bedrooms, and this dwelling would also provide a large garden area for sibling interaction. The appellant also refers to the special circumstances and parental care needs of a family member who requires some overnight accommodation. I note that the children in the family would be able to remain in the same schools they currently attend. I also note the matters raised regarding the lack of affordable alternatives. This includes that the appellant's financial circumstances would not allow purchase of an existing 5 bedroom dwelling, compared to this proposal to undertake the work themselves to extend the existing dwelling. I give this overall need for the proposal significant weight.
20. Extensions on neighbouring properties exist as a physical comparative presence in the streetscene. However, they fall under different site and historic contexts, and I have no details as whether or when these may have gained permission, or any potential very special circumstances used in justification. They therefore only suggest a very limited precedent. A lack of objections does not indicate a lack of harm.

Green Belt Balance and Conclusion

21. In summary, the proposal would be inappropriate development in the Green Belt in the terms set out by the Framework. The Framework requires that substantial weight should be given to any harm to the Green Belt. Inappropriate development should not be approved except in very special circumstances, which will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations. The proposal would also cause harm to the character and appearance of the area, and I afford this moderate weight.
22. In favour of the appeal, I have attached significant weight to the appellant's need for the proposal due to their current family situation, which requires a larger dwelling than that existing. As my decision could have an adverse impact on children, rights under Article 8 of the Human Rights Act 1998 are engaged, and their best interests are a primary consideration. Article 8 provides that everyone has the right to respect for their family life and their home, being matters that are essential for a person to enjoy a relationship with their family.
23. I have great sympathy with the appellant's difficulty in finding a dwelling suitable for their family needs, including one that is affordable in the area in which they would like to remain including to maintain local schooling. However, a lack of affordable properties is well documented as a general housing market issue, and so I expect this issue would similarly apply to many local families.

24. Furthermore, the appellant's suggested amended plans indicate the possibility that a smaller proposal could still achieve the accommodation identified as essential for the family. For example, the scheme before me converts the garage into a study and living room space, but with no explanation of why this could not instead be bedrooms. Alternative smaller scale designs would have less impact on the Green Belt. As such, I find the specific proposal before me is not essential for the appellant and their children to enjoy their family life, and this reduces the weight to which I give the appellant's need.
25. Against the totality of the harm I have identified, I find the other considerations and benefits advanced by the appellant are not sufficient, either individually or cumulatively, to clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal would conflict with the Green Belt policies in the Framework, and in the LP.
26. Dismissing the appeal would thus interfere with the appellant's and their family's rights to peaceful enjoyment of their possessions, and to a private and family life and home, under Article 1 of the First Protocol and Article 8 of the Human Rights Act 1998. However, those are qualified rights; interference with them in this instance would accord with the law and seek to achieve the protection of the Green Belt, which is a well-established and legitimate aim.
27. Since the family will not be made homeless, and there are other options available to increase the size of the dwelling, it is proportionate and necessary to refuse to grant planning permission. There will be no violation of the appellant's or their family's human rights. The protection of the public interest cannot be achieved by means that are less interfering with their rights.
28. In conclusion, the proposed development would conflict with the development plan and the Framework as a whole. With no other material considerations indicating otherwise, for the reasons given above, I conclude that the appeal is dismissed.

L N Hughes

INSPECTOR