



Appeal Decision

Site visit made on 22 April 2025

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd May 2025

Appeal Ref: APP/Z4718/D/24/3356559

150 Edge Road, Thornhill Edge, Dewsbury WF12 0QF

- 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 Ms Sarah Gough against the decision of Kirklees Metropolitan Council.
 - The application Ref is 2024/62/91261/E.
 - The development proposed is a 2 storey rear extension and single storey side extension.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description in the banner heading above is taken from the planning application form, as there is no evidence before me that the appellant agreed to the change recorded on the Council's decision notice.
3. The plans provided indicate that an area of off-street car parking is to be created to the side of the host dwelling with a partial storage area underneath. No elevation plans or cross section have been presented to indicate the volume to be created by the new structure or its appearance. Having had regard to the position of the proposed car parking area, I am satisfied that there is sufficient detail on the proposed ground floor plan to properly assess the impact on the character and appearance of the area.
4. In December 2024 the Government published a revised National Planning Policy Framework (the Framework). The parties were given the opportunity to comment on the revisions during the appeal process but no responses were received.

Main Issues

5. The main issues in this appeal are;
 - i) whether the proposal would be inappropriate development in the Green Belt, having regard to the Framework and any relevant development plan policies;
 - ii) the effect on the openness of the Green Belt;
 - iii) the effect of the proposal on the character and appearance of the area; and
 - iv) 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 required to justify the proposal.

Reasons

Inappropriate Development

6. The appeal site is located within the Green Belt. Policy LP57 of the Kirklees Local Plan (KLP) 2019, 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. It goes on to advise that the cumulative impact of previous extensions and of other associated buildings will be taken into account.
7. Paragraph 154 of the Framework indicates, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate within the Green Belt. The extension or alteration of a building, is one of the exceptions which enables home owners to alter their properties (154(c)). However, this exception is only permitted where the development does not result in disproportionate additions over and above the size of the original building.
8. The Framework does not provide a definition of a disproportionate addition. Therefore, an assessment of whether a proposal would amount to a disproportionate addition over and above the size of the original building is a matter of planning judgement. The Framework defines the original building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.
9. The dwelling including a lower side projection pre-dates 1948. This constitutes the original building. Additions including the porch and rear sunroom have already served to extend the original dwelling but the sunroom would be demolished as part of the proposals. The parties agree that the proposed single and 2-storey rear extensions along with the elongation of the porch would result in a volume increase of 68%, which in itself is not insignificant.
10. However, I am referred to an extant planning permission for the erection of a 2-storey side extension with front porch¹. The Council advises that it would be possible to implement both the extant permission and this proposal if granted. This would result in a cumulative volume increase of 96.81%. Whilst neither party has supplied me with details of the previous approval, the appellant has not sought to dispute the Council's position regarding the cumulative volume increase. There is therefore, nothing before me that would lead me to disagree with this figure. I am clear that a volume increase of this extent would result in disproportionate additions over and above the size of the original dwelling.
11. The appellant advises that due to a change in circumstances, they do not intend to implement the previous permission for the 2-storey side extension. They consider that the Council should revoke the previous permission under Section 97 of the Town and Country Planning Act 1990. However, the Council has advised that it is not expedient to follow this process as it would be possible to agree a planning obligation to ensure that only one permission could be implemented.
12. I acknowledge that the production of a planning obligation would result in legal expenses for the appellant. However, they are likely to be a small element of the

¹ Planning application reference 2023/92544.

overall build costs. Powers of revocation are infrequently used. The Council would inevitably incur a cost to the public purse and it is thus entitled to decide the expediency, of whether such action would be in the public interest. It is not for me as part of this appeal to intervene in these matters.

13. Whilst not doubting the appellant's intentions, as it stands, there is nothing before me to prevent the extant permission from being implemented if I were to allow the appeal proposal. To overcome this issue the appellant has suggested that a Grampian planning condition could be attached to prevent the implementation of the extant consent. However, a condition would not formally revoke the extant planning permission. It would not meet the tests of reasonableness or enforceability².
14. It is my view that the resultant cumulative increase in volume and scale would amount to disproportionate additions to the original dwelling. I am not satisfied that the retained original form of the building would remain the dominant element both in terms of size and overall appearance.
15. For the reasons given, the proposal would be inappropriate development in the Green Belt which is, by definition harmful, and should not be approved except in very special circumstances. It would therefore conflict with Policy LP57 of the KLP and paragraph 154(c) of the Framework as set out above.

Openness

16. Paragraph 142 of the Framework indicates that openness is an essential characteristic of the Green Belt, with a key objective to keep land permanently open. Openness has both a visual and spatial dimension.
17. The proposal would introduce extensions into a space where there is currently limited development, namely a small sunroom. In extending the scale and mass of the dwelling a 3-dimensional erosion of space and therefore openness would occur. This would be exacerbated if the extant planning permission was also implemented. Although viewed against the backdrop of the dwelling, the reduction to openness would be partially visible in localised views from Edge Lane and the lane to the south-west.
18. The proposal would result in a harmful loss of Green Belt openness in both spatial and visual dimensions, albeit this would be to a limited and localised extent. The proposal would therefore conflict with the Framework insofar as it relates to this matter.

Character and Appearance

19. Although not located within a Conservation Area, the appeal site is situated in a rural area where built form is distributed intermittently in and alongside agricultural fields. Buildings typically have simple architectural detailing and a consistent use of local natural stone and slate. The surrounding area has a pleasant, verdant and undeveloped rural quality.
20. The appeal site comprises a 2-storey dwelling set into the slope of the hillside close to Edge Road. It is 'L' shaped in plan form with a smaller, lower projection to

² The 6 tests of conditions as set out within paragraph 57 of the Framework and paragraph: 003 Reference ID: 21a-003-20190723 of the Planning Practice Guidance.

the west and a dual pitched roof form. Constructed of local materials it has a high wall to window ratio with largely blank elevations facing the road. Illustrative of typical rural architecture, the dwelling contributes positively to the character and appearance of the area.

21. Although the appellant suggests that the Council did not have concerns about the design and scale of the extensions, refusal reason 2 set out on its decision notice indicates otherwise.
22. A 2-storey gabled extension would be added to the rear elevation with single storey projections to either side of it, one of which would be flat roofed. The rear elevations of the proposed extensions would contain large windows and expanses of glazing of different sizes, positions and fenestration patterns. This would contrast with and undermine the high wall to window ratio, as well as simple architectural detailing which are important features of the host dwelling. The use of timber cladding and a flat roof would also contrast with the form and appearance of the host dwelling. Taken together the specific design of the proposed extensions and the position of the side projection to the east, would result in a complicated appearance that would fail to respect the original character of the host dwelling or the vernacular architecture found within the locality.
23. The appellant suggests that the bulk of the extensions would be to the rear of the host dwelling and therefore not publicly visible. I acknowledge that views of the proposed extensions would be localised. However, due to the wide side garden and low boundary wall the 2-storey extension including the timber cladding to the upper section, would be partially visible from Edge Road, along with the single storey projection to the east. Views of the rear of the dwelling would also be possible from the lane to the south-west, albeit uphill and at a medium distance. Only a small section of the original rear elevation would remain visible, such that the host dwelling would not remain the dominant feature. Whether or not the extensions can be considered to be typically domestic, it is the failure to respect the character of the existing property and its context that is the crux of the concern here.
24. An existing outbuilding would be demolished to make way for off-street car parking with storage underneath. Whilst no elevation plans have been supplied, subject to the use of appropriate local materials, the proposed storage area due to the change in land level and its position tucked into the corner of the appeal site would not be detrimental to the character and appearance of the area. Similar off-street car parking is provided at a nearby property, such that it would not appear out of place.
25. Although the proposed car parking area would be acceptable, I find that the proposed rear extensions would have a harmful effect on the character and appearance of the area. The proposal would therefore conflict with Policy LP24 of the KLP. This policy supports good design by ensuring extensions are subservient and in keeping in terms of scale, materials and details, objectives which are shared by the House Extensions and Alterations SPD.

Other Considerations

26. Paragraph 153 of the Framework states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other

considerations. The appellant has not advanced any other considerations which I can weigh against the harm identified.

Other Matters

27. The lack of harm with regard to the effect of the proposal on the living conditions of neighbouring occupiers and highway safety are to be expected of new development and weigh neither for, nor against, the proposal. The absence of neighbour objections does not infer support for a proposal.

Planning Balance and Conclusion

28. The Framework is clear that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a proposal conflicts with an up-to-date development plan, permission should not usually be granted unless material considerations indicate that the plan should not be followed. However, as the appeal site is located in the Green Belt, the application of policies in the Framework that protect areas of importance, provides a clear reason for refusing the development proposed³. Consequently, paragraph 11(d) of the Framework is not engaged and the proposal would not benefit from the presumption in favour of sustainable development.
29. Given the substantial weight to be given to Green Belt harm, the other identified harm, and lack of other considerations, the harm is not clearly outweighed as required by the Framework. The very special circumstances necessary to justify the proposal do not therefore exist. Accordingly, the appeal is dismissed.

M Clowes

INSPECTOR

³ As set out within footnote 7 of paragraph 11 of the Framework.