



Appeal Decision

Site visit made on 9 April 2018

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st May 2018

Appeal Ref: APP/Z4718/D/18/3197229

33 Wilshaw Road, Meltham, Holmfirth HD9 4DZ

- 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 Adrian Smith against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2017/62/93405/W, dated 3 October 2017, was refused by notice dated 24 January 2018.
 - The development proposed is demolition of garage and erection of two storey and single storey rear extension with first floor balcony and attached lower ground garage with terrace over.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. The appeal site is located within the Green Belt and Wilshaw Conservation Area. I take as my starting point the proposal's Green Belt location and the relevant policy context set out in the *National Planning Policy Framework* (the Framework). It is necessary firstly to establish whether it represents inappropriate development in the Green Belt, and then to consider its effect on the openness of the Green Belt, before going on to consider its effects on the conservation area. In dealing with the effect on the conservation area, I have had regard to the special duty placed on decision makers in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
3. The main issues in the appeal are:
 - Whether or not the proposal would be inappropriate development in the Green Belt for the purposes of the development plan and the Framework;
 - The effect of the proposal on the openness of the Green Belt;
 - whether or not the proposal would preserve or enhance the character or appearance of Wilshaw Conservation Area and the host property; and
 - If the proposal would be 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 it.

Reasons

Whether inappropriate development

4. Paragraphs 89 and 90 of the Framework set out the forms of development which are not inappropriate within the Green Belt. These include extensions or alterations 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 give any definition of what constitutes a 'disproportionate addition' but Policy D11 of the *Kirklees Unitary Development Plan (adopted March 1999 and revised September 2007)* (UDP) indicates that in the Green Belt the size of the extension in relation to the existing building should be such that the existing dwelling remains the dominant element. In the Council's Officer's Report they indicate that for this to be the case the extension should be no more than about one third of the volume of the host property.
5. Permission¹ was granted in August 2017 for the demolition of the garage and the erection of a two storey and single storey rear extension with first floor balcony and detached garage. The two storey and single extension proposed in the appeal scheme are the same as those previously approved, but it is now proposed to also create an attached garage and garden store room at lower ground level with a terrace above them serving the ground floor of the dwelling.
6. The Council have given figures that indicate the volume of the proposal would be around 90% of the volume of the original house, whereas the appellant has used floor space figures and calculated that the appeal scheme would result in a 62% increase in floor space. The appellant's figures take into account the fact that the detached garage that was part of the recently approved scheme would not be constructed, and a Unilateral Undertaking has been provided to ensure this. However, the Council have highlighted that as the volume of the detached garage was around 78 m³, it is significantly smaller than the appeal proposal.
7. However, even if the previously approved detached garage is not constructed on the site, the appeal scheme would represent a further substantial extension to the rear of the dwelling, with the overall depth of the total extension being significantly greater than the depth of the original house. Whichever calculation is adopted, the appeal scheme would result in a very large increase in the size of the house. I take the view that an increase in the floor area and volume of the original dwelling of the scale proposed cannot be considered to be anything other than disproportionate.
8. The appellant has suggested that the additional extension proposed in the appeal scheme, over and above the permitted scheme would only be modest and would not be disproportionate. It was clear at my site visit that the construction of the permitted scheme is substantially complete, and will be occupied in due course. Nevertheless, the appeal decision must focus on the comparison between the appeal scheme and the original dwelling, not the permitted scheme.
9. In the light of the above, I therefore conclude that the proposal would be inappropriate development, which according to paragraph 87 of the Framework

¹ Application Reference 2017/62/92124/W

is, by definition, harmful to the Green Belt, and should only be approved in very special circumstances.

Openness

10. Openness is an essential characteristic of Green Belts. It can be considered as the absence of buildings or development. As a result of the proposal, the size and mass of built development on the site would be increased, and so the openness of the Green Belt would be reduced. Overall, whilst in isolation the loss of openness would be minimal, there is a degree of harm arising from this, in addition to the inappropriate nature of the development.
11. The appellant has suggested that when ground levels are reinstated and the area landscaped, there would be limited visibility of the proposal. Nevertheless, significant regrading of the surrounding land would be required to provide external access to the garage and garden store room. Due to the height of the boundary wall to Gill Birks immediately to the west of the site, the extension would be visible from this track, which provides access to a small number of houses, as well as being a public footpath. In any case, a lack of visibility does not, in itself, mean there is no loss of openness.

Character and Appearance of Wilshaw Conservation Area

12. The *Wilshaw Conservation Area Appraisal* (CAA) indicates that Wilshaw is a rural village where the majority of the properties date from the mid-Victorian period, and some of which were built as a result of a local philanthropist. Although not listed, or identified as a building of merit within the CAA, the property forms one of a number of detached houses along the main road through the village. The house, which the appellant has stated dates from the early twentieth century, is typical of vernacular architecture of its time and the detailing it exhibits means it contributes to the character and appearance of the conservation area.
13. Notwithstanding the fact that the extension would be built from materials to match the main dwelling, the size and scale of the overall extension now proposed would mean that it would dominate the original house. Whilst its location to the rear of the host property would limit the visibility of the proposed extension when travelling along the road in either direction, as noted above, the extension would be visible from Gill Birks. As such, the proposal would not only be an unsympathetic addition to the host property, but it would be detrimental to the character of the wider area. The impact of the extension would not be diminished in these views, even though the host property forms one of number of dwellings along Wilshaw Road.
14. The additional extension proposed would be below the original ground level, and so would potentially be less visible than the detached garage approved in the previous scheme. However, not only is it considerably larger than the approved garage, but as it is attached to the host property, rather than being a detached outbuilding, it would add a mass and bulk to the house that the previous garage would not.
15. As a result, I consider that the proposed development would fail to preserve the character and appearance of Wilshaw Conservation Area. Therefore, it would conflict with Policy BE5 of the UDP which requires that developments within a conservation area should preserve or enhance the character and

appearance of the area. It would also be contrary to Policies BE1(i), BE2 (ii), BE14 (ii) of the UDP which seek to ensure that developments create or retain a sense of local identity, take account of the topography of the site, and do not extend more than 3m from the rear elevation. Having regard to paragraph 134 of the Framework, whilst the harm caused to the conservation area would be less than substantial, there are no public benefits which would outweigh the harm caused.

Other Considerations

16. The appellant has stated that due to adverse ground conditions the approved scheme has required the construction of a 2m wall below the original ground level. In addition, it is stated that the permission requires ground levels at the rear of the property to be raised which requires a 1.2m stone wall to be constructed above the ground which would be backfilled, paved or decked. It is suggested that the proposal would utilise these structural requirements to create additional floor space below the ground level.
17. However, the Council have stated that the existing permission does not permit any engineering operations within the rear garden which require a significant change in land levels, and so a separate permission would be required for any such works.
18. Whilst I note the difficulties encountered with the construction process to date, ultimately structural work needed underground would not be visible, and would not create additional floor space. Therefore, it would not have the same impact on the Green Belt. As such, it does not justify a scheme that would be visible from both the side and rear of the property and would significantly increase the floor space of the host property.
19. The existing property has a drive to the eastern side of the site. This would provide the access to the approved detached garage. However, it is indicated that the width of the drive is not sufficient to allow the turning of vehicles, so it is not possible to enter and exit the site in forward gear. The proposed garage would be accessed from Gill Birks and there would be sufficient space to the front of the garage to enable vehicles to turn. The appellant has argued that this represents an improvement to highway safety.
20. Be that as it may, there is no indication that visibility from the existing drive is substandard, that the road has a poor accident record, or that the use of the drive is causing highway safety issues. Thus, whilst the proposed access may be easier and more convenient to use, I am not persuaded that the new access is required for highway safety, although I accept that being able to enter and exit the site in forward gear would be a benefit.

Conclusion

21. To conclude, the appeal proposal would be inappropriate development in the Green Belt, which would, by definition, be harmful to the Green Belt. It would also cause harm to the openness of the Green Belt. The Framework requires that substantial weight is given to any harm to the Green Belt. In addition, the scheme would fail to preserve the character and appearance of the conservation area. Section 72(1) of the Act indicates that the desirability of preserving or enhancing the character or appearance of a conservation area is a matter of considerable importance and weight.

22. Despite having regard to all the other considerations put before me, I consider that taken together, the factors cited in its favour do not clearly outweigh the harm the scheme would cause. Consequently, very special circumstances do not exist, and the proposal would conflict with the Framework and Policy D11 of the UDP.
23. Therefore, for the reasons set out above, I conclude that the appeal should be dismissed.

Alison Partington

INSPECTOR