
Appeal Decision

Site visit made on 25 October 2018

by Julie Dale Clark BA (Hons) MCD DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14th November 2018

Appeal Ref: APP/Z4718/D/18/3211071

Nordia, 98 Penistone Road, Kirkburton, Huddersfield HD8 0TA

- 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 N Mosley against the decision of Kirklees Metropolitan Council.
 - The application Ref 2018/62/91310/E, dated 12 April 2018, was refused by notice dated 18 June 2018.
 - The development proposed is proposed rear extension.
-

Decision

1. The appeal is dismissed.

Main Issues

2. I consider that the main issues are:-
 - whether the proposed extension constitutes inappropriate development in the Green Belt and its effect on openness;
 - the effect on the character and appearance of the area in terms of its visual impact;
 - the effect on the living conditions of the occupiers of No 100 Penistone Road; and
 - whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify the development.

Reasons

Green Belt

3. The appeal site is a semi-detached house fronting Penistone Road (A629) with its rear boundary adjoining Thunder Bridge Lane. The proposed extension would mainly be visible from Thunder Bridge Lane.
-

4. The site is within the Green Belt and the National Planning Policy Framework¹ explains that inappropriate development is, by definition, harmful to the Green Belt. The extension or alteration of a building is not considered inappropriate provided that it does not result in disproportionate additions over and above the size of the original building. UDP² Policy D11 indicates that extensions to buildings in the Green Belt will be considered having regard to the impact on the openness and character of the Green Belt; the size of the extension in relation to the existing building; and the effect on the character of the existing building.
5. The existing dwelling has not been previously extended but notwithstanding the figures stated by the appellant (35% increase in volume or a 40% increase in footprint), the proposal would extend the house up to the rear boundary with Thunder Bridge Lane. I consider that this would appear disproportionate and notwithstanding the verdant nature of the area, the extension would impact on the openness of the Green Belt. It would therefore conflict with the Framework and Policy D11. This carries substantial weight.

Character and Appearance

6. The extension would be most visible from Thunder Bridge Lane. The proposed two storey extension would have a lower ridge height than that of the existing dwelling and whilst the existing house has a gable roof the extension would have a hipped roof. Amongst other things, UDP Policy BE1 seeks to achieve good design that contributes to a built environment and BE13 requires extensions to dwellings to respect the design features of the existing house and adjacent buildings. I consider that the design and the prominent position of the extension would be out of character with the appearance of the dwelling and conflict with these policies. This adds weight against the proposal.

Living Conditions

7. UDP Policy BE14 sets out criteria which permits development unless it would have a detrimental effect on visual amenity or adjoining dwellings, amongst other things. The extension would be close to the boundary with the adjoining house, No 100 Penistone Road. There was a considerable amount of vegetation between the houses at the time of my site visit and it was difficult to fully assess the impact on the occupiers of the neighbouring house. However, due to the extent of the extension up to the boundary with Thunder Bridge Lane, it could have a detrimental impact on the living conditions of the occupiers of the No 100. This adds weight against the proposal.

Other Considerations

8. I have considered all matters raised but none overcome the substantial weight I have afforded to inappropriate development and the other harms I have identified, namely the impact on the character and appearance of the area and the potential impact on the living conditions of the occupiers of No 100 Penistone Road.

¹ Ministry of Housing, Communities & Local Government National Planning Policy Framework, July 2018 (the Framework).

² Kirklees Unitary Development Plan Written Statement – Revised with effect from 28 September 2007

Conclusion

9. The Framework makes it clear that inappropriate development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other circumstances.
10. The harm caused by inappropriateness carries substantial weight and I have given additional weight to the issues of character and appearance and living conditions as detailed above. I have taken all matters raised into consideration but conclude that very special circumstances do not exist to clearly outweigh the harm caused by inappropriate development in the Green Belt and the other harms I have referred to. The proposal would conflict with the Framework and UDP policies BE1, BE13 and BE14 and therefore the appeal fails.

J D Clark

INSPECTOR