



# Appeal Decision

Site visit made on 7 November 2023

**by K Williams MTCP (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 8<sup>th</sup> January 2024**

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**Appeal Ref: APP/Z4718/D/23/3319340**

**Lane End House, 29 Oldfield Road, Honley, Holmfirth HD9 6NL**

- 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 Mrs Kamaljit Sohal against the decision of Kirklees Council.
  - The application Ref 2022/62/93846/W, dated 25 November 2022, was refused by notice dated 3 February 2023.
  - The development proposed is for a first floor extension above existing garage.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. I have used the address and application description given on the application form.
3. The Framework was updated in December 2023, and accordingly for the purposes of this decision I have referred to the latest version of the Framework. The content of the Framework has not been materially altered in respect of the main issue which I have considered. Therefore, it has not been necessary to seek further views from the main parties in this instance.
4. Whilst not shown on the 'Ground Floor – Existing' plan, a wide and deep single storey rear extension was under construction during my site inspection. This corresponded with that shown on the 'Block Plan' and 'General Plan.'

## Main Issues

5. The main issues are:
  - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework 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 appeal property and the area;
  - the effect on the living conditions of neighbouring occupiers with particular regard to outlook and sunlight; 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 required to justify the proposal.

## Reasons

### *Whether or not inappropriate development in the Green Belt*

6. The appeal site comprises a large detached stone built dwelling and its grounds. It is located in a prominent position on Oldfield Lane roughly facing the junction with Long Lane. The property occupies an elevated position above Oldfield Road. It is set back behind a front garden area and driveway, is elevated above the road, has a commanding position and is afforded extensive views across the landscape towards Honley and beyond. The character of the area is rural with some residential development fronting Oldfield Lane predominantly situated in spacious plots.
7. The site is located within the Green Belt. Paragraph 152 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 states that the construction of new buildings should be regarded as inappropriate in the Green Belt, with the exception of, amongst other things, 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 defines the 'original building' as the building as it existed on 1 July 1948 or, if constructed after this date, as it was built originally.
8. The Framework at Para 154 requires an assessment as to whether the proposal would, when taken in combination with any previous additions to the original building, result in a disproportionate addition in terms of its size. In other words, when taken together, would the sum total of existing and proposed extensions to the original building be disproportionate in size. The above is ultimately a matter of planning judgement, which could reasonably refer to volume, height, external dimensions, footprint, floorspace or visual perception.
9. The justification to Policy LP57 of the Kirklees Local Plan, adopted 27 February 2019 (the Local Plan) allows for the extension, alteration or replacement of buildings in the Green Belt subject to criteria requiring, amongst other things, the original building to remain the dominant element in terms of size and appearance. Development must have regard to the scale of the existing building, and it states the cumulative impact of previous extensions will be taken into account. Policy LP57 is therefore broadly consistent with the Framework.
10. The Council states that the original building as of 1 July 1948 amounted to the central two storey structure, excluding the existing two storey extension to the side which continues to the rear and the garage to the side. I have not been provided with sufficient information to reach a clear view about its original scale and form. However, it is clear from the planning history and development I viewed on site that the house has been subject to extensions. However, in the absence of substantive evidence, I have therefore assessed the scheme against the 'Ground Floor - Existing' and First Floor - Existing' plan and the existing rear elevation shown on the 'General Plan,' which excludes the prior notification rear extension, as being the original building.
11. The proposal seeks to add a first floor extension above most of the existing garage. The form of the development would comprise a gabled front and rear addition and provide an additional bedroom/ensuite and office with associated internal alterations to the host dwelling. This would be built almost in line with

the front elevation of the existing house. Although it would have a lower roof, than the host dwelling, it would replace a shallow pitched roof adding additional massing and volume above the garage and overall would be relatively high and wide.

12. The proposed design and fenestration would reflect the two storey wing on the opposing side of the dwelling. It would be constructed from high quality matching materials. However, it would in effect reorder the dwelling in its entirety, creating the appearance of a substantially wider and imposing building comprising a central element with two wings to the side. This would diminish the appearance of the original building to the degree that it would no longer be the dominant feature.
13. The prior approval extension at the rear is also of a significant scale appearing to significantly alter the plan form of the dwelling and has a footprint around two thirds of that of the host dwelling. It also extends deep into the rear garden. Together with the additional massing at first floor above the garage, the cumulative increase of the overall volume of the original building as I have identified it, and its visual perception would be significant.
14. Overall, I find that the effect of the proposal, together with the granted extension fails to ensure the original building forms the dominant element. I also conclude that the proposal would represent a disproportionate addition over and above the size of the original building.
15. For the above reasons, the proposed development would, in respect of the first main issue, comprise inappropriate development when considered against exceptions 154 c) of the Framework. It would also conflict with Policy LP57 of the Local Plan which seeks to control the size of extensions to dwellings in the Green Belt.

### *Openness*

16. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. The appeal property is very clearly visible from the adjacent highway. The openness of the Green Belt is clearly evident around the property and the wider area and also afforded by the spaces between the dwellings, and the scale of development in the immediate locality, and open land opposite.
17. The proposals would provide first floor accommodation to the side of the host dwelling, the overall effect would be to create a much wider building. The first floor development would infill space above the relatively shallow pitched roof of the existing single storey garage to the side of the dwelling and would be exacerbated by the built form comprising gables. The loss of the openness here and between the neighbouring dwelling at No 31 Oldfield Road would be exacerbated by the appeal dwelling being in an elevated position above the road and situated adjacent to a lower dwelling.
18. Therefore, I conclude that the proposal would not preserve, and would have a harmful effect on the openness of the Green Belt. Given the scale of the proposal, I consider the harm to openness to be moderate. As such, the proposal would conflict with the provisions within Policy LP57 of the Local Plan which seeks to ensure development does not prejudice the open character of the Green Belt. There would also be conflict with the aims of chapter 13 of Framework which seeks to protect Green Belt Land.

### *Character and appearance*

19. The site's elevated position and location opposite a road junction ensures it is highly visible from the public realm, and an imposing building. The appeal property is detached dwelling positioned between two simpler designed semi-detached hipped roof properties.
20. The Council's House Extensions and Alterations Supplementary Planning Document June 2021 (the SPD) states that extensions and alterations to residential properties should be in keeping with the appearance scale design and local character of the area and the street scene. Extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and detail. It is appreciated that as a result of the extension, the ground floor footprint would not increase. I note compliance with the Council's SPD in respect of the front elevation being set back, the side elevation being set in from the from the side boundary and the provision of a lower ridge height.
21. However, as noted above, the formation of a corresponding wing to the dwelling, which appears wide with a prominent gable does not result in the host building remaining the dominant feature. Whilst in some circumstance the reordering of a dwelling in its entirety can be acceptable, the overall effect is dominating and not reflective of the simpler form and scale of dwellings within the immediate area and adjacent to the site. The increased sense of scale here and contrasting design would result in the proposed development appearing incongruous in this highly visible location. The proposal would therefore harm the character and appearance of the host building and the area.
22. Consequently the proposal would be contrary to Policies LP24 and LP57 of the Local Plan which seeks to ensure the form and scale of development respects and enhances the area with the host building remaining the dominant element. The development would also conflict Policy 2 Holme Valley Neighbourhood Development Plan made December 2021 (the HVNDP) which seeks to ensure new development respects the surrounding area. The proposal would not fulfil the aims within Chapter 12 of the Framework, which seeks to achieve well designed and beautiful places. Furthermore the proposal would also conflict with the guidance in the Council's SPD.

### *Living conditions*

23. The appellant considered that the effect on the neighbouring occupier at No 31 Oldfield Lane is unproven. The Council has referred to the 45 degree guidelines/rule contained within the SPD. Although guidance, the SPD provides a method to support good design and support the Council's Policy LP24 in respect of providing high standard of amenity for neighbouring occupiers.
24. The Council has stated that the existing garage already exceeds the parameters contained within the 45 degree rule whereby a line will be drawn from the midpoint in the nearest habitable room window of the adjacent property, at an angle of 45° across the proposed extension. The neighbouring property is to the west of the appeal site. I observed there were several ground and first floor windows on the rear of the property in close proximity to the joint boundary and the existing garage. Immediately adjacent to the garage was a garden area. It is likely that part of the neighbouring site already experiences some loss of sunlight from the existing garage.

25. However, the development would increase in height and alter the form of development in close proximity to the joint boundary. The gable on the existing garage would be replaced by a solid wall that would run parallel with the joint boundary. The height would be similar to that of the main dwelling. Notwithstanding the development is set in from the joint boundary The additional massing would be in stark contrast to the existing shallow gable and roof form which affords some openness.
26. The occupiers of No 31 would be afforded little relief from the immediate outlook of the window towards the development particularly in peripheral views from the window and directly within the garden. Even though the first floor side elevation appears to be splayed away from the neighbour, the development would create a visually dominant and oppressive feature. This would change the current situation reducing the openness across the site. It would make the garden area, used for sitting out and the rooms served by the rear windows less attractive to use as a result.
27. However, the increased height and altered form and massing of the extension parallel with the joint boundary would be likely to increase this effect during early and mid-morning. This in combination with the increased height and massing of the extension alongside the joint boundary would appear unacceptably intrusive and overbearing to the outlook for the occupants of No 31.
28. The proposal would therefore harm the living conditions of neighbouring occupiers with particular to outlook and sunlight. The proposal is therefore contrary to Policy LP24 of the Local Plan. The proposal would also conflict with Policy 2 of the HVNDP. Together and insofar as they are relevant to living conditions, they seek to ensure that proposals should be designed to minimise harmful impacts on existing occupiers of buildings. The proposal would also not fulfil the aims within Chapter 12 of the National Planning Policy Framework where it seeks to ensure development provides a high standard of amenity for future users. For similar reasons, the proposals would not fulfil the guidance and aspirations within the Council's SPD in relation to effect on neighbouring residents.

#### *Other considerations*

29. 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.
30. I note that the proposal would create additional space for the occupants and would allow home working following the covid pandemic which would clearly serve their needs of providing more private spaces for a maturing family. However there is no substantive evidence regarding the need for the development or whether this could be achieved within the existing footprint of the host building. Having regard to the Planning Practice Guidance<sup>1</sup> that planning is concerned with land use in the public interest, largely private benefits carry limited weight.

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<sup>1</sup> Paragraph: 008 Reference ID: 21b-008-20140306

31. The appellant advises they have discussed the proposals with neighbouring residents, Local Councillor's and the Parish Council. Nevertheless, it is the function of the planning system to secure good design and good living conditions for existing and future occupiers. As occupants and their opinions change over time the absence of objection therefore carries little weight in my determination.
32. Whilst the appellant stated the development was set in at the behest of Council, the Council's officer report evidenced states that pre-application advice for an extension above garage stated an application was unlikely to be supported. Nevertheless even if there was support for element of a scheme, this does justify a proposal which is harmful to the character and appearance of the area.
33. It also may be that previous development at the site has been accepted. However having regard to the development plan and national planning policy in place at this time and taking into account the extent of previous approved extensions, the proposal comprises inappropriate development in the Green Belt. There would also be moderate harm arising from the proposal on the openness of the Green Belt, to the character and appearance of the host property and area and to the living conditions of neighbouring occupiers.

Having taken account all matters raised in support of the proposal, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the 'Very special circumstances' necessary to justify the development do not exist.

### **Conclusion**

34. For the reasons above, I conclude that the development would conflict with the development plan as a whole and the approach in the Framework. There are no other material considerations that require a decision to be made other than in accordance with the development plan
35. For the reasons given above I conclude that the appeal should be dismissed.

*K Williams*

INSPECTOR