



Appeal Decision

Site visit made on 23 July 2024 by Andreea Spataru BA (Hons) MA MRTPI

Decision by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 August 2024

Appeal Ref: APP/Z4718/D/24/3343749

2 Four Winds, Highbridge Lane, Skelmanthorpe, Kirklees, Huddersfield HD8 9JY

- 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 & Mrs N Hepworth against the decision of Kirklees Council.
 - The application reference is 2023/62/93664/E.
 - The development proposed is for the erection of extensions and alterations (modified proposal).
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. These are:
 - Whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and the development plan;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the proposal on the character and appearance of the host dwelling; and
 - If the development would be inappropriate, whether the harm to the Green Belt by way 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 it.

Reasons for the Recommendation

Whether inappropriate development in the Green Belt

4. The Framework, at paragraphs 154 and 155, set out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. Paragraph 154c) includes the extension or
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alteration of a building, provided that it does not result in a disproportionate addition over and above the size of the original building.

5. Policy LP57 of the Kirklees Local Plan – Strategy and Policies 2019 (LP) states that proposals for the extension and alteration of buildings in the Green Belt will normally be acceptable provided that the original building remains the dominant element both in terms of size and overall appearance. The cumulative impact of previous extensions and of other associated buildings will be taken into account. Proposals to extend buildings which have already been extended should have regard to the scale and character of the original part of the building.
6. The appeal dwelling has had various extensions and alterations. Whilst there is a discrepancy in terms of the overall percentage of increase in the footprint/floor area between the main parties, both the appellants and the Council agree that the proposal, taken together with previous alterations, would, in the context of Green Belt policy, be inappropriate development.
7. When considering whether the extensions are disproportionate compared to the original dwelling, it is necessary as part of the planning judgement to consider the scale, volume, bulk, massing and built form that would result from the changes sought. In this case, the proposed extensions, particularly the first-floor additions, would add substantial bulk and massing to the building, to the degree that the original building would not remain the dominant element in terms of size and overall appearance. Therefore, the proposal would result in a disproportionate and inappropriate addition, which according to paragraph 152 of the Framework is, by definition, harmful to the Green Belt.

Openness

8. The Framework indicates that openness is an essential characteristic of the Green Belt. The proposal would introduce a further element of built form to the site albeit that it would be as extensions to an existing building. The development would inevitably increase the scale and mass of the dwelling. As a result, both in visual and spatial terms, the openness of the Green Belt would be reduced. Given the scale of the extensions and the extent of the Green Belt, the harm arising from the development in this respect would be limited.
9. In coming to this view, I accept that the development would only be partially visible to the public. However, this does not mean that it would not affect the openness of the Green Belt.

Character and appearance

10. Policy LP24 of the LP requires extensions to be subservient to the original building, and in keeping with the existing buildings in terms of scale, materials, and details. The House Extensions & Alterations Supplementary Planning Document (SPD) provides more specific guidance for residential extensions and states that, proposals for extensions should normally be smaller in scale than the original property and set back from the original building line. Two-storey extensions should be set down from the ridge line and generally smaller in footprint.
11. Although the appeal dwelling has been previously extended, mostly in the form of single storey extensions to both sides, the original two-storey part of the dwelling with the front gable remains the dominant element on site. The

proposed development, particularly due to the extensive alterations at the first-floor level, would significantly increase the massing, bulk, and overall volume of the host dwelling. Although the elongated plan form would remain, due to the overall scale of the extensions, the development would result in a dominant feature that would adversely affect the character and appearance of the host dwelling.

12. Consequently, given its significant scale, form, and siting in relation to the host dwelling, the proposal would fail to appear subordinate to it. Accordingly, the proposal would be contrary to Policies LP24 and LP57 of the LP and the advice in the SPD.

Other considerations

13. 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.
14. Whilst I understand that the size of development has been reduced in comparison to the previously refused scheme¹, these amendments are not sufficient to make the appeal proposal appear proportionate to the original dwelling.
15. The Justification Statement includes a plan that shows what could be built under permitted development rights (GA as Existing – showing fallback position 22014D-05-P01). The appellants indicate that, under these rights, if permitted development extensions were maximised, the overall volume of the dwelling would be 2,080 cubic metres. The proposal would result in a total volume for the altered dwelling of approximately 2,065 cubic metres. However, the degree of weight to be given to the fallback position depends on whether or not the fallback position would be equally or more harmful than the scheme proposed.
16. The fallback position differs from the appeal proposal in that the form of the development in that case would be restricted to single storey elements. The extensions proposed in the fallback position would appear more subordinate to the host dwelling, particularly because of their form and massing in relation to the original dwelling. Consequently, the appeal proposal would cause greater harm to the openness of the Green Belt and to the character and appearance of the dwelling than the fallback position, which therefore carries limited weight in support of the appeal development.
17. I acknowledge the appellants' intention to improve the internal layout of the dwelling and linked to that to increase the energy efficiency standards. However, I am unconvinced that this could not be achieved through a less intrusive proposal. Thus, this limits the weight I can give the matter as a benefit of the scheme.
18. I note that there were no objections from the Parish Council, however this is a neutral matter rather than one that carries positive weight for the development.

¹ LPA ref: 2023/62/92461/E

Whether very special circumstances necessary to justify the proposal exist

19. I have found that the proposal would be inappropriate development in the Green Belt, and there would also be a loss of Green Belt openness. The proposal would also be detrimental to the character and appearance of the host dwelling.
20. In considering the substantial weight given to the Green Belt, the benefits outlined above do not clearly outweigh the harm the scheme would cause. Consequently, the very special circumstances necessary to justify the development do not exist and the proposal would conflict with the Framework and Policies LP24 and LP57 of the LP.

Recommendation

21. For the reasons given above the appeal scheme would conflict with the development plan and there are no material considerations, including the approach of the Framework and worthy of sufficient weight, that would indicate to the contrary. I therefore recommend that the appeal should be dismissed.

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector's Decision

22. I have considered all the submitted evidence and my representative recommendation and on that basis the appeal is dismissed.

Mr R Walker

INSPECTOR