

Appeal Decision

Site visit made on 3 May 2016

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

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

Decision date: 13 June 2016

Appeal Ref: APP/Z4718/W/16/3143880

Land at Denroyd Farm, Denby Lane, Upper Denby, Huddersfield HD8 8TZ

- 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 Steven Slater against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2015/62/90373/E, dated 3 February 2015, was refused by notice dated 24 July 2015.
 - The development proposed is described as 2 No Norwegian log holiday homes.
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Decision

1. The appeal is dismissed

Main Issues

2. The main issues in the appeal are:
 - Whether the proposal is inappropriate development in the Green Belt.
 - The effect on the openness of the Green Belt and the purpose of including land within it.
 - The effect on the character and appearance of the area.
 - If the proposal is 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 the development.

Reasons

Whether or not inappropriate development

3. The appeal site is located within the designated Green Belt. Paragraph 89 of the National Planning Policy Framework (the Framework) sets out that the construction of new buildings, other than in connection with a small number of exceptions, should be regarded as inappropriate in the Green Belt.
 4. The proposed provision of the two holiday homes do not amount to any of the listed exceptions as set out in paragraph 89. Consequently, the proposed development would amount to inappropriate development within the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
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Openness and Green Belt purposes

5. A fundamental aim of Green Belts is to keep land permanently open. An essential characteristic is their permanence. The appeal site is part of an elevated open field which is relatively visible from a wide area. The proposed buildings would occupy a substantial part of the field and inevitably reduce its openness. The scheme would thus harm the openness of the Green Belt.
6. The construction of the two holiday homes on this site would result in built development where there is presently none. It would have an urbanising impact on this open field and result in new development encroaching into the open countryside. The proposal would thus conflict with one of the five purposes of Green Belts which is to safeguard the countryside from encroachment.
7. In view of the above I find that the development would lead to a significant loss of Green Belt openness and would impact on the Green Belt purpose of safeguarding the countryside from encroachment.

Character and appearance

8. The appeal site is part of an open field which is on the top of a localised hill and is quite visible from the dwellings on the south western edge of Upper Denby as well as in wider views from the surrounding countryside. Whilst there are substantial agricultural buildings to the east, these are at a much lower level than the appeal site which is part of the established countryside. The proposed development would erode the contribution that this field makes to the open countryside around the village.
9. I agree with the Council that the general character and appearance of the surrounding area is that of predominantly stone built properties. Views the proposed development from the dwellings in the south west of Upper Denby would be quite prominent and owing to its design and use of the timber construction materials it would be unacceptably at odds with the established local vernacular. At my site visit the appellant drew my attention to the new hedgerow planting around the boundary of the field and I accept that over time this would screen some views of the development but owing to the topography it is unlikely that these would be entirely eliminated.
10. The proposed development would be a prominent incongruous addition to the open field which would cause demonstrable harm to the character and appearance of this part of the countryside. It would therefore be contrary to Saved Policies BE1 and BE2 of the Kirklees Unitary Development Plan (2007). These policies, amongst other things, require new development to have good quality design that that is in keeping with surrounding development and takes into account the topography of the site.

Other considerations

11. I have taken into account the advice provided in paragraph 28 of the Framework regarding the support for the rural economy through the diversification of agricultural businesses and the promotion of sustainable rural tourism and leisure developments. However, the Framework does not indicate that such development should override its own policies of restraint of most new development within the Green Belt. The appellant indicates that recent cycling events in Yorkshire have increased the local demand for holiday

accommodation which is expected to continue although no demonstrable evidence has been submitted as to how this would be sustained.

12. Moreover, I agree with the Council that the submitted data showing an increase in self- catering occupancy rates between 2010 and 2014 across the region and in the Borough does not conclusively demonstrate a demand for such accommodation in the Upper Denby area. I accept that it is desirable for holiday accommodation to be in attractive locations, but it is not clear to me that there are not such locations outside of the Green Belt. Consequently, I attach moderate weight to the tourism/rural economy benefits of the scheme.
13. I have also taken into account the letter of support from 'Welcome to Yorkshire' and note that this refers to the proposed development as being located in a 'tranquil setting in woodland'. I accept that the proposed accommodation provided by the development would likely be of a high quality. However, the appeal site is an open field close to the village and as such is not reflective of the character of a tranquil setting in woodland that is envisaged in the letter of support from Welcome to Yorkshire. Consequently, I have attached limited weight to this consideration.
14. I accept that paragraph 89 of the Framework supports the provision of appropriate facilities in the Green Belt for outdoor sport and recreation, as long as it preserves the openness of the Green Belt and does not conflict with the purpose of including land within it. However, the proposed development does not constitute a facility for outdoor sport or recreation and, in any case, I have found that it would not preserve openness and would result in the encroachment of the development into the countryside. I therefore attach little weight to this consideration.

Conclusions

15. The appeal proposal would be inappropriate development that would be harmful to the Green Belt by definition. Further Green Belt harm would arise due to the loss of openness and to the purpose of safeguarding the countryside from encroachment. Additionally, there would be other harm to the character and appearance of the area.
16. Substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. As explained above, at most I have given moderate weight to the material considerations cited in support of the proposal and conclude that taken together they do not outweigh the substantial weight to be given to Green Belt harm. Consequently, the very special circumstances necessary to justify the proposed development in the Green Belt do not exist.
17. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Stephen Normington

INSPECTOR

Appeal Decision

Site visit made on 13 June 2016

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 21 June 2016

Appeal Ref: APP/Z4718/D/16/3150459

21 Barnsley Road, Flockton, West Yorkshire WF4 4DP

- 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 and Mrs S Guest against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2015/62/93816/E, dated 18 November 2015, was refused by notice dated 4 February 2016.
 - The development proposed is a conservatory to front.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The site address on the application form incorrectly refers to the property as being located on Burnley rather than Barnsley Road. In the heading above I have therefore used the address as given on the appeal form and the decision notice as this was correct.

Main Issue

3. The main issue in the appeal is the effect of the proposed extension on the character and appearance of the host property and the surrounding area.

Reasons

4. The appeal property is a detached bungalow which is set back from the road by a good size front garden. The dwelling has a high coniferous hedge along the front boundary. This, together with the mature vegetation in the front gardens of adjacent properties, and the position of No 15 relative to the appeal property, limits any medium/long range views of the house when travelling in either direction along Barnsley Road. However, the wide drive which is shared with the property located to the rear does mean that there are clear views of the front elevation in short range views.
 5. The host property has a traditional, but simple, architectural style and appearance. The front elevation has two projecting front gable features. The proposed conservatory would be located between these, but would project further forward than them. As such it would appear as an overly dominant feature on the front elevation of the house, and, in marked contrast to the current simple and clean appearance, would give the elevation a cluttered appearance.
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6. Moreover, its hipped roof design would be out of character with the roof form on the main dwelling, and the large areas of glazing would not respect the solid to window ratio found on this elevation. As such it would appear as an incongruous and discordant feature which would be detrimental to both the host property and the wider street scene.
7. Consequently, the proposal would harm the simplicity and architectural integrity of the dwelling. As a result, I consider that the proposed extension would have a detrimental impact on the character and appearance of the host property and the surrounding area. As such, it would conflict with Policies D2, BE13 and BE14 of the *Kirklees Unitary Development Plan (adopted March 1999 and revised September 2007)* which seek to ensure that new development does not have a detrimental impact on visual amenity and respects the character of the existing and adjacent buildings.
8. For the reasons set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR



Appeal Decision

Site visit made on 23 June 2016

by Gary Deane BSc (Hons) DipTP MRTPI

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

Decision date: 28 June 2016

Appeal Ref: APP/Z4718/D/16/3148790

8 Honeysuckle Drive, Thornhill Lees, Dewsbury WF12 0SF

- 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 Nizamuddin Patel against the decision of Kirklees Metropolitan Council.
 - The application Ref 2015/62/92695/E was refused by notice dated 4 February 2016.
 - The development proposed is the erection of 2-storey side and rear, front single extensions.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect of the proposed development on the character and appearance of the local area.

Reasons

3. The appeal property is a 2-storey semi-detached house within a residential cul-de-sac along which properties are similar in design and age with some differences in scale and general appearance. No 8 is modest in scale and has flat front and rear elevations, which are evident from Honeysuckle Drive and Lees Hall Road respectively.
 4. The proposal includes a single storey front and side extension and a 2-storey side and rear addition. The latter would extend the full depth of the main house, beyond the main back wall and across the full width of the rear façade. In doing so, it would significantly increase the built form of No 8, enlarge its footprint and add to its scale and mass. With a sizeable gable feature and a ridge broadly at the same height as that of the host building, the proposal would also fundamentally alter the rectangular shape of the appeal dwelling.
 5. Taken together, I consider that the scale and design of the proposal would cause it to visually dominate the rear façade and to overwhelm the modern style and modest proportions of the original house. The main outcome would be material harm to the character and appearance of the host property.
 6. Because No 8 occupies an elevated position to Lees Hall Road due to the notable difference in ground levels, the new rear addition would be a prominent feature of the local street scene beyond the rear of the site. From this
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- highway, trees and other vegetation would largely screen the proposal on the immediate approaches to the site in both directions. However, soft landscaping cannot be relied on to shield a development as it can be cut back or removed at any time. In any event, the proposed rear extension would be clearly visible through the gap in this vegetation from the road immediately behind the plot.
7. When seen from this public vantage point, and the back gardens of some of the properties on either side of No 8, the new 2-storey side and rear extension would appear as an overly large and bulky addition notwithstanding its position set back from the road. For these reasons, it would be obtrusive in the street scene along Lees Hall Road and an unwelcome addition to the local area.
 8. It may be, as the appellant suggests, that the type of extension proposed is a common feature of properties in Dewsbury. The occupiers of nearby properties might also seek to progress schemes to enlarge their properties at some point in the future. Nevertheless, I have assessed the proposal on its own merits and in its current context and find it to be incongruous for the reasons given.
 9. The National Planning Policy Framework emphasises the importance of securing high quality design and for development to respond to local character and to add to the overall qualities of an area. For the reasons given, the proposal would not adhere to these important principles.
 10. Against that background, I conclude on the main issue that the proposed development would cause significant harm to the character and appearance of the local area. Accordingly, it is contrary to Policies D2, BE1, BE13 and BE14 of the Kirklees Unitary Development Plan. These policies aim to ensure that development achieves good quality design; respects the design of the existing house; and does not prejudice visual amenity or the character of the surrounding area.
 11. The proposal would provide additional living space and enable the layout of the main house to be remodeled thus improving the living conditions of the appellant. However, this consideration does not outweigh the harm that I have identified in relation to the main issue.
 12. The Council raises no objection to the new single storey addition and to the proposed 2-storey side extension. I, too, find the new single storey addition acceptable as it would be sympathetic in design, proportionate in scale and would add some interest to the front façade. Consequently, this element of the appeal scheme would be in keeping with the intrinsic character of the appeal dwelling and other properties nearby. However, from the plans before me the new single storey extension is not clearly severable from the 2-storey component. Therefore, I am unable to issue a split decision that grants planning permission solely for it.
 13. Overall, for the reasons set out above, and taking into account the absence of objections from others, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR

Appeal Decision

Site visit made on 4 July 2016

by Anne Jordan BA (Hons) MRTPI

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

Decision date: 7 July 2016

Appeal Ref: APP/Z4718/D/16/3152300
Greenwood Barn, Barnsley Road, Upper Cumberworth, Huddersfield,
HD8 8NN

- 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 Kevin Mosley against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2016/62/91239/E, dated 11 April 2016, was refused by notice dated 8 June 2016.
 - The development proposed is a proposed glazed wintergarden.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues for the appeal are:
 - Whether the proposal is inappropriate development in the Green Belt for the purposes of the *National Planning Policy Framework* (the Framework) and development plan policy;
 - The effect of the proposal on the character and appearance of the host dwelling and the surrounding area.

Reasons

Inappropriate Development

3. The Framework sets out that new buildings in the Green Belt are inappropriate unless, amongst other things, they relate to the extension of an existing building and that this does not result in a disproportionate addition to the original building. Saved Policy D11 of the *Kirklees Unitary Development Plan* (UDP) also seeks to ensure that where the development comprises an extension in the Green Belt, the original building should remain the dominant element.
 4. Greenwood Barn is a traditional stone farm building. Although the building appears to have been altered on the rear elevation, due to the simple form of the building, in views from the main road, it retains much of its original appearance. The proposal comprises an aluminium and glass structure to be erected on a terrace which sits at first floor level adjoining Barnsley Road.
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5. The Council consider that due to the relatively limited size of the proposal, the extension would not comprise a disproportionate addition. The proposal would extend less than 3 metres and would be single storey. Having regard to the considerable size of the host dwelling and the amount of development proposed, I concur that even if the previous additions to the dwelling are taken into account, the extent of development would not result in a disproportionate addition to the host dwelling. Due to its relatively limited size it would also not have a material effect on wider openness. It follows that the proposal would not be inappropriate development within the Green Belt as defined in paragraph 89 of the Framework.

Character and Appearance

6. The attractiveness of Greenwood Barn is largely derived from its traditional character. From the road the building has a solid appearance with a high proportion of stonework, and an uncluttered profile. The extension would be constructed in powder coated aluminium and glass with an apex roof which replicates the profile of the existing gable. However, even though the addition would appear lightweight, due to its height and the extent to which it would obscure the rear elevation it would form a prominently visible addition to the building. The position of the proposal, on the upper story of the building, would also leave it clearly visible in long range views on the approach up Barnsley Road. In these views, due to its elevated position and contemporary appearance it would form an incongruous domestic feature which would fail to complement the simple agricultural form of the building.
7. It follows that the addition would fail to respect the design features of the existing property and would thereby harm the character of the original building. Insofar as it would be visible for some distance outside the site it would also harm the character of the wider area. It would therefore conflict with policies BE13 and D11 of the *Kirklees Unitary Development Plan* which together seek to ensure that extensions respect the character of the original building with regard to scale and architectural detailing. This is consistent with the Framework which has similar aims.

Conclusion

8. I take into account that the proposal would provide enhanced accommodation for the appellant, and allow the terrace to be used in inclement weather. However, this benefit would not outweigh the harm the proposal would cause to the character and appearance of the dwelling and the surrounding area. Therefore, for the reasons given above, and having regard to all other matters before me, I dismiss the appeal.

Anne Jordan

INSPECTOR