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## Appeal Decision

Site visit made on 13 November 2018

by **S J Lee BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16<sup>th</sup> November 2018

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**Appeal Ref: APP/Z4718/D/18/3210656**

**Cold Hill Farm, Cold Hill Lane, Berry Brow, Holmfirth HD4 6TU**

- 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 Kevin Jenkins against the decision of Kirklees Metropolitan Borough Council.
  - The application Ref 2018/62/92104/W, dated 26 June 2018, was refused by notice dated 21 August 2018.
  - The development proposed is installation of windows.
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### Decision

1. The appeal is allowed and planning permission is granted for the installation of windows at Cold Hill Farm, Cold Hill Lane, Berry Brow, Holmfirth HD4 6TU in accordance with the terms of the application, Ref 2018/62/92104/W, dated 26 June 2018, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan Scale 1:2500; Existing Ground Floor Plan and Front and Side Elevations 1856 01; Proposed Plans and Elevations (New Windows) 1856 03.
  - 3) The materials used shall match those of existing windows in the front elevation as shown on approved plans.

### Preliminary matters

2. For the avoidance of doubt, I have used the postcode given on the decision notice and appeal form. This is different to that given on the application form, but I am satisfied it is accurate.
3. The site sits within Green Belt. Paragraph 145 of the National Planning Policy Framework (the Framework) states that the extension or alteration of a building within the Green Belt is not inappropriate if it does not result in a disproportionate addition over and above the size of the original building. The development would not alter the size of the building and thus I am satisfied the development would not be inappropriate in the Green Belt. As such, there is no need for me to consider this matter further in my decision.

## **Main Issue**

4. The main issue is the effect of the development on the character and appearance of the area, including the setting of nearby listed buildings.

## **Reasons**

5. The appeal relates to a detached dwelling which includes converted agricultural buildings. The site is in a relatively isolated countryside location and forms part of a small cluster of buildings. The other buildings within this cluster are Grade II listed cottages.
6. The development would consist of two additional windows inserted into the front elevation (as described on the submitted plans). I understand that permission has already been granted for a door in roughly the same position as the proposed ground floor window and that the Council has no concerns over the impact of this part of the development. There is nothing before me to suggest I should come to a different conclusion on this matter.
7. Although they are all to one side of the building, there are already two doors and a number of ground and first floor windows in the front elevation. The remainder is a blank wall. This presents a somewhat unbalanced appearance which is suggestive of two different functions to the building. However, even with the blank element, it is clear that the building as a whole is in residential use. The elevation facing the road already contains a large glazed archway and small windows at ground and first floor level. These are clearly related to the original barn and serve to remove any pretence over the current domestic use of this part of the building. The alterations have however been made sympathetically and it remains clear what the original character and function of the building was. I am far from convinced that the insertion of a small additional window to the front would alter this character to any material extent.
8. The first floor window would be smaller than others in the elevation and thus would have a subservient appearance. In this regard, it would have only a minimal impact on the outward appearance of the building and would complement the other fenestration. The impact would also be mitigated by the distinct lack of any physical demarcation between the original barn and the remainder of the building. As a result, a relatively minor encroachment of additional openings into the blank part of the wall would not erode the overarching agricultural character of the building.
9. The appeal site is clearly within the setting of the listed buildings, both visually and in terms of reinforcing the appearance of a small connected farmstead. I have already concluded that the development would do little to detract from the obvious agricultural origins of the building. As a result, I see no reason why there should be any harm to the setting of the listed buildings or their significance, either in terms of visual impact or on any perceived historical functional relationship. From both near and more distant views, the rural and agricultural character of this cluster of buildings would remain intact.
10. In conclusion, I find that there would be no material harm to the character and appearance of the host building, the surrounding area or the setting of the listed buildings. Accordingly, there would be no conflict with saved policies BE1 and BE2 of the Kirklees Unitary Development Plan (saved 2007) which seek, amongst other things, to ensure development retains a sense of local identity

and is in keeping with its surroundings. I also find no conflict with the Framework with regard to its policies on design or heritage assets.

11. The Council's decision notice refers to policies in its emerging Local Plan. This is not adopted and thus the policies do not yet carry full weight of the Development Plan. Nevertheless, I have not found any conflict with policies PLP24 or PLP35 which seek, amongst other things, to ensure development respects the character of the landscape, maintains local distinctiveness and conserves the significance of heritage assets.

### **Conditions**

12. I have considered the suggested conditions from the Council in accordance with the Planning Practice Guidance (PPG). In addition to the standard condition which limits the lifespan of the planning permission, I have imposed a condition specifying the relevant drawings as this provides certainty. I have also attached a condition requiring the window frames to match those of the existing windows in the front elevation in the interests of the character and appearance of the area.

### **Conclusion**

13. For the reasons given above I conclude that the appeal should be allowed.

*S J Lee*

INSPECTOR



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## Appeal Decisions

Site visit made on 5 November 2018

**by D Hartley BA (Hons) MTP MBA MRTPI**

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

**Decision date: 12 November 2018**

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### **Appeal A: APP/Z4718/C/18/3202059**

#### **Hyacinth Farm, 20 Wellhouse Lane, Kirkheaton, Huddersfield HD5 0RB as shown edged red on the plan attached to the notice**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Mr Gulfaraz Ahmed against an enforcement notice issued by Kirklees Metropolitan Borough Council.
  - The enforcement notice was issued on 20 April 2018.
  - The breach of planning control as alleged in the notice is the erection of a building shown hatched black on the plan attached to the notice.
  - The requirements of the notice are (1) wholly demolish the building and (2) remove the resultant debris from the land.
  - The period for compliance with requirement (1) is 3 months and the period for compliance with requirement (2) is 5 months.
  - The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended (the Act).
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### **Appeal B: APP/Z4718/W/18/3202057**

#### **Hyacinth Farm, 20 Wellhouse Lane, Kirkheaton, Huddersfield HD5 0RB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant planning permission.
  - The appeal is made by Mr G Ahmed against the decision of Kirklees Metropolitan Borough Council.
  - The application Ref 2017/62/93853/W, dated 7 November 2017, was refused by notice dated 5 April 2018.
  - The development proposed is the erection of a mixed use agricultural and educational building.
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## **Decisions**

### **Appeal A: APP/Z4718/C/18/3202059**

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

### **Appeal B: APP/Z4718/W/18/3202057**

2. The appeal is dismissed.

### **Procedural Matters**

3. In respect of Appeal B, I have taken the description of development from the Council's refusal notice as this accurately describes the appeal proposal as shown in the accompanying plans and supplementary documents.
4. The National Planning Policy Framework was revised on 24 July 2018 (the Framework). I have taken the Framework into account as part of the consideration of the deemed planning application below.

### **Application for costs**

5. An application for costs was made by Mr G Ahmed against Kirklees Metropolitan Borough Council in respect of Appeal A and Appeal B. This application is the subject of a separate Decision.

### **Main Issues – Appeal A and Appeal B**

6. I have considered the reasons for issuing the enforcement notice (Appeal A) as well as the reasons for refusal of planning permission (Appeal B). Whilst the wording in the aforementioned documents are not identical, the main issues in respect of considering the deemed planning application (Appeal A) and the appeal made under Section 78 of the Act (Appeal B) are essentially the same. The main issues are (i) whether or not the proposal is inappropriate development in the Green Belt; (ii) the effect upon the openness of the Green Belt; (iii) the effect of the development upon the character and appearance of the area; and (iv) if the development is inappropriate, 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 development

### **Reasons – Appeal A and Appeal B**

#### *Appeal site and development*

7. The appeal site falls within land designated as Green Belt and forms part of Hyacinth Farm which is an approximately 5.3 hectare parcel of land comprising fields, some outbuildings and a dwellinghouse. The site is accessed from Wellhouse Lane and is adjacent to Dalton Bank Wildlife Site where there is a public footpath.
8. The appeals relate to the erection of a split level stone detached building which has a total area of about 216.75 square metres. The surrounding land slopes and so the building ranges in height above ground level from about 4.5 metres to 8.0 metres. The roof is pitched and the building would include six Upvc windows, stepped entrance doorways to the front and rear elevations and a 2.7 metre high opening with a roller shutter door to the southern gable elevation.
9. I was able to see on my site visit, that the building was not fully completed. However, apart from one minor change to one of the elevations, the building that had been erected so far had been built in accordance with the plans submitted as part of Appeal B. The appellant's planning justification statement, appeal statement, emails and accompanying plans for Appeal B, explain how it is intended to use the erected building. The lower ground floor is to be used as a tractor and machinery store. In respect of the upper ground floor, the plans

say "*primary use – hay storage, secondary use – multi-room storage of hay food stuffs, educational, recreational room for summer school camp*".

10. According to the appellant, the wider site has been used for a mixture of agricultural and school children learning activities for the last 17 years. Indeed, as part of my site visit I was able to look inside the three metal containers (these included machinery, children's activity equipment, tents, mats etc) to the east of the appeal building and the three bay wooden building, also to the east of the appeal building, which included a multi games/activity room, kitchen and toilets. The main parties also pointed out a stone building which was in the process of being constructed immediately next to the dwellinghouse which I was told had planning permission to be used for residential purposes.
11. The appellant has provided a month by month list of activities that take place on the site in appendix one of his appeal statement. It is clear that whilst the appeal building is intended to be used for the storage of hay and the storage of a tractor and machinery, it is also intended to be used to accommodate school children where they can learn about matters such as the environment, the countryside, farming and wildlife.
12. I note that the appellant is a Head Teacher at Parkinson Lane Community Primary School and that children from this school have attended Hyacinth Farm as a learning experience for many years. According to the appellant's appeal statement, the site has also been used as a base for the provision of educational short courses by "*primary and secondary school children from schools across the Kirklees/Calderdale area*". According to the appellant's planning justification statement, and accepting that this would not be all the time, "*the barn would accommodate a children's classroom and learning activities such as: simulator rooms, archery, learning about animals and plants through first hand experiences and a wide range of investigative work to fully understand the key concepts of the living world as well as responsibilities towards the environment*".
13. Whilst the appellant has indicated that the upper floor of the building is intended to be "primarily" used for the storage of hay, it would nonetheless be also used for relatively long periods of time for children's learning and other activities. Consequently, I consider that the building has been erected with the express purpose of being used for a mixed use, i.e. an agricultural and educational mixed use. I have determined appeals A and B on this basis.

*Whether the proposal is inappropriate development in Green Belt*

14. Paragraph 145 of the National Planning Policy Framework (the Framework) states that "*a local planning authority should regard the construction of new buildings as inappropriate in Green Belt*". The erection of the building with the express purpose of being used for the identified mix of uses would not fall within any of the exceptions listed in paragraph 145 of the Framework. I acknowledge that it would be partly used for agricultural purposes. However, it would also be used for other uses and so it could not be said that the building has been erected to be used only for "*agriculture and forestry*".
15. The appellant states that the building would be used for recreation purposes. On the evidence that is before me, the building has been erected with a view to it being used for a mixture of agricultural storage and school learning/activity

- uses. I do not consider that the latter use constitutes a recreation type use, but rather an educational use with children supervised by teachers and other specialist staff.
16. Even if I were to consider that the building was to be used for a truly recreation type use, it would not meet the exception in paragraph 145 (b) of the Framework in that the building is/would be used for another use (i.e. an agricultural use). Furthermore, and in any event, on the evidence that is before me, the development amounts to the erection of a new building on land which was cleared of a former storm damaged structure (no photographs provided by the appellant) referred to by the appellant as "*a basic structure comprising wooden uprights resembling telegraph poles with profiled asbestos sheeting, with a concrete block plinth*". Consequently, and even if I were to consider that the building was being used for a recreation use, the development does not meet the exception in paragraph 145 (b) in that it does not "*preserve the openness of the Green Belt*". I deal with this matter further below.
17. On the evidence that is before me, I do consider that in the past there was some sort of structure on the site, i.e. as outlined above. Indeed, this is referred to in the Council's committee report and representations made by other interested parties. Furthermore, as part of my site visit I was able to see the remains of wooden poles still in the ground and adjacent to the appeal building as well as some wooden poles laid in a pile adjacent to the stone boundary wall. However, I am not persuaded that the evidence before me demonstrates that the appeal building amounts to the "*replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces*" (paragraph 145 (d) of the Framework). The appellant says that "*the replacement building would be of the same use as previously and not existentially larger in floor area than the one it replaces*". This comment is not substantiated with objective evidence and there is no information relating to the height of the demolished structure.
18. On the evidence that is before me, it would appear that if there was some sort of structure on the appeal site previously, it did not have a roof. In making the appeal, the onus is on the appellant to make his case and he has not sufficiently demonstrated that the "*appeal building is not materially larger than the one it replaces*" or provided me with any compelling evidence to indicate that the appeal building is/would be in the same use.
19. For the reasons outlined above, and on the evidence before me, I conclude that the development is inappropriate development in the Green Belt. Paragraph 143 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*". I deal with the latter issue in the other considerations part of this decision, noting that paragraph 144 of the Framework states that "*local planning authorities should ensure that substantial weight is given to any harm to the Green Belt*".

#### *Openness*

20. As outlined above, I have not been provided with enough information about the former structure that was allegedly erected on the site prior to the erection of the appeal building. That said, and if the structure did exist, it would appear from reading the appellant's evidence that it did not have a roof. It has not



been absolutely possible for me to compare what was in situ on the appeal site prior to the appeal building being erected. Furthermore, I do not know if the alleged structure was demolished immediately prior to the erection of the appeal building or some time before that. Given the aforementioned uncertainty, it has been necessary for me to determine the effect of the development upon the openness of the Green Belt based on what I was able to see on my site visit.

21. The appeal building is substantial in scale and is positioned on the edge of the cluster of existing buildings. Openness can be described as an absence of built form: it has both a spatial and visual dimension. The appeal development constitutes the erection of a large and imposing new building. It can be partly seen from the edge of Dalton Bank Wildlife site and is conspicuous when approaching from the private access drive. Owing to its peripheral location, bulk and height, I consider that that it has had a moderately adverse impact on the openness of the Green Belt.

#### *Character and appearance*

22. The Council considers that the building looks out of place in this countryside location owing to the materials used and fenestration details. The building is not completed in so far that it does not include external staircases, window frames or doors as per the plans submitted as part of Appeal B. The Council considers that the building looks/ would look residential in appearance and that given its position it causes harm to the character and appearance of the area. It considers that in this location, and if justified in planning terms, it would be more appropriate to erect a portal frame type building which is more agricultural in appearance.
23. I do acknowledge that the appeal building is quite substantial in terms of its scale and bulk. It includes solid natural stone walls and a slate roof. In this regard, it is perhaps not the sort of light weight agricultural building that may typically be found in a rural area. However, I do not consider that natural stone walls and a slate roof are in themselves unacceptable in this particular location. The materials reflect those used in some of the nearby buildings (including the new building adjacent to the dwellinghouse which is under construction) and given the intended use of the building (i.e. as a shelter and a learning environment for school children), I can understand why it has been built with cavity walls.
24. Notwithstanding the above, the use of natural stone quoins, window lintels and cills do give the building a more domestic/urban appearance in this otherwise countryside setting. Furthermore, the building would include windows and doors with Upvc frames and steps with railings leading to the domestically proportioned entrance doors. In design terms, the building does not/would not sit well in its rural environment.
25. I do have some concerns about the size of the entrance doors at first floor level. It is intended to use the upper ground floor for the storage of hay at some times of the year. The openings are narrow and the appellant has not persuaded me that it would practical or easy to use such openings or the entrance steps when storing hay in the building.
26. In addition to the above, and noting that the Kirklees Council Publication Draft Local Plan Strategy and Policies 2016 (LP) is not yet adopted, it nonetheless



has some weight in decision making terms. Policy PLP 54 of the LP states that new buildings for agriculture and forestry will normally be acceptable where the building is "*genuinely needed for the purposes of agriculture*", "*the building can be sited in close association with other existing agricultural buildings*" and it is "*of a standard of design and materials appropriate to its green belt setting*".

27. I acknowledge that it is proposed to erect a roller shutter door to the southern elevation, but the existing opening is not positioned within the centre of the elevation and it is relatively low in height. It also gives the building a more domestic feel rather than one that is befitting of its intended use for the storage of large agricultural machinery such as a tractor. This harm is compounded by the fact that the large and imposing building is positioned on the edge of the cluster of existing buildings on the site and so this has had the effect of expanding the built form into the otherwise open and rural landscape.
28. The appellant says that the building would be used for the storage of hay and farm machinery, but he has not provided me details (for example calculations) of how much hay would need to be stored or how many or the type of machines that would need to be stored. Consequently, I have not been able to determine whether the building needs to be the size it is from the point of considering whether it is genuinely needed for the purpose of agriculture as per the requirements of Policy PLP 54 of the LP. This is an important material planning consideration given the effect of the mixed use building on the openness of the Green Belt and the character and appearance of the countryside.
29. I recognise that the appellant says that there was once some sort of structure on the appeal site, but I have limited information about this and, in any event, the appeal development is a new building. I have not been provided with any reasons why a more sensitive and close knit location for the building was not considered. Overall, I consider that the development has caused harm to the essentially open and rural character of area.
30. For the reasons outlined above, I consider that some harm has been caused to the character and appearance of this countryside location. I recognise that the building is not conspicuous from many public vantage points, but this does not obviate the need to achieve good design. In this regard, the development does not accord with the design, character and appearance aims of saved Policies D2, BE1 and BE2 of the Kirklees Unitary Development Plan (Revised 2007) (UDP) and Policy PLP 24 of the LP.

#### *Other considerations*

31. I have taken into account the many letters of support for the development including from people who have visited the site in connection with Parkinson Lane Primary School and other schools. I have also taken into account the statement in support (educationalist-expert) in appendix 2 of the appellant's appeal statement and the supportive letter written by the Vice Principal of Southmere Primary Academy whose pupils have previously visited the site.
32. I have no doubt that the appeal site has/does provide a valuable facility for school children in terms of learning about environmental and other matters and that it also offers children the opportunity to learn how to play some sports (e.g. archery) in this countryside setting. The appeal building would no doubt provide a place to carry out such learning/activities particularly when there is

inclement weather. In this sense, it would enable the appellant to plan for visits without having to worry about the weather. However, I was able to see on my site visit that the appellant already had a multi games/ teaching room with toilet and kitchen facilities in the three bay wooden building to the east of the appeal site. I do not know why this existing floorspace could not also be used for "summer club" purposes.

33. Notwithstanding the above, I do acknowledge that the use of the appeal building as a learning centre for children is a very positive material consideration and would no doubt make visits to Hyacinth Farm by pupils a more enjoyable experience, particularly when the weather is poor. Furthermore, the proposal does to some extent seek to support the rural economy. However, the evidence before me indicates that such learning/activities have taken place at the site for at least 17 years without the erection of the appeal building. Whilst I do not doubt that it would be hard to teach/learn outside at certain times of the year, this has to be balanced against the harm caused by the erection of the building to the overall character and appearance of the area and the identified harm caused to the Green Belt. Furthermore, and, in any event, I was able to see on my site visit that there was an existing building on the site that could be used for some inside activities.
34. I was also able to see on my site visit that some equipment and machinery was stored in the three metal containers to the east of the appeal building. It has not been suggested to me that either the metal containers and/or the existing three bay wooden building would be removed as part of the submitted planning application. Consequently, and on the evidence that is before me, there appear to be existing facilities in place to accommodate, at least in part, some of the uses proposed as shown on the floor plans that accompanying Appeal B.
35. I note the comments made by the appellant that he thought that the erection of the building was permitted development by virtue of the Town and Country Planning (General Permitted Development ) (England) Order 2015. However, on the evidence that is before me, the building was never intended to be used for only agricultural purposes and so planning permission would have been required in any event. Even if the appellant had intended to erect a solely agricultural building on the land, he would still have had to submit an application for prior approval. I acknowledge that there does seem to be some confusion on the part of the appellant about whether consent was needed for the appeal building, but this is not a matter which can be used to justify the erection of harmful development. It has been necessary for me to determine the appeals on their planning merits.

#### *Balancing exercise and conclusion*

36. On the evidence that is before me, I have found that the development constitutes inappropriate development in the Green Belt. Therefore, and by definition, harm has been caused to the Green Belt. This is a matter to which I afford substantial weight. The building has a moderate impact on the openness of the Green Belt and some harm has been caused to the character and appearance of this countryside location. Against this has to be balanced the other considerations as outlined above, including the use of the building, particularly during inclement weather, as a place for children to learn. However, this benefit is tempered to some extent by the fact that there is an

existing building on the site that can be used by some children when the weather is poor.

37. On balance, I conclude that the substantial weight to be given to Green Belt harm, and the harm to the character and appearance of the area, arising from the development is not clearly outweighed by the identified other considerations sufficient to demonstrate very special circumstances. Therefore, the development does not accord with the Green Belt aims of the Framework and Policy PLP 10 of the LP, the design, character and appearance aims of Policies PLP 24 and PLP 54 of the LP, and saved Policies D2, BE1 and BE2 of the UDP.

### **Overall conclusions**

#### **Appeal A: APP/Z4718/C/18/3202059**

38. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

#### **Appeal B: APP/Z4718/W/18/3202057**

39. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

*D Hartley*

INSPECTOR

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# 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: 14<sup>th</sup> November 2018**

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**Appeal Ref: APP/Z4718/D/18/3211076**

**23 Spa Wood Top, Huddersfield, West Yorkshire HD4 6AY**

- 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 A Patel against the decision of Kirklees Metropolitan Council.
  - The application Ref 2016/62/91200/W, dated 14 April 2016, was refused by notice dated 26 June 2018.
  - The development proposed is rear extension, front porch & dormer to rear.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. I consider that the main issue is the effect of the development on the character and appearance of the area.

## Reasons

3. The application form describes the appeal site as Spar Wood Top but this seems to be a typographical error. The appeal site relates to a detached house adjacent to which is a single storey building. The house is set at a higher level than the road and the land to the rear is elevated. A grassed path runs along the rear boundary wall of No 23 and the adjacent row of houses. Much of the development has been constructed. The decision notice refers to a retaining wall which is shown on the submitted plan and has been constructed although not fully completed.
  4. The single storey rear extension has a flat roof and takes up a large part of the amenity space to the rear of No 23. At the time of my site visit there was no boundary structure separating the rear yards of No 23 and the adjacent single storey building. However, the adjacent building and the area to the rear are not included in the appeal site. Whilst the single storey extension has a limited impact on the street scene, its size, design and materials do not complement the form and character of the existing house. I am also concerned that No 23 would be left with a very small area of amenity space at the rear of the house.
  5. The rear dormer is a fairly large structure that dominates the roof and is only marginally below the ridge. This is totally out of keeping with the original house.
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It is large, prominent and visually insensitive to the house and the wider area. A retaining wall has been erected to the rear which is fairly high from the ground level of the house and extends above the level of the elevated land and pathway at the rear. It also extends to the rear of the adjacent building although as stated earlier this is not within the appeal site. Due to the small amount of rear amenity space, the retaining wall is very imposing.

6. The front porch would be fairly modest in size and a porch could be acceptable provided the facing materials matched the house. However, the materials used in the other elements of the development do not match the house which gives me cause for concern. I accept that the materials could be conditioned but I am also mindful that front porches are not features to the adjacent row of terraced houses. Taken together with the other elements of this development, the porch adds to the overall extensions and alterations that have an adverse effect on the appearance of the house and the character and appearance of the area.
7. Amongst other things, UDP<sup>1</sup> Policy D2 indicates that planning permission will be granted for proposals that do not prejudice the character of the surroundings and avoids over-development. UDP Policy BE1 requires new development to achieve good design that contributes to a built environment and amongst other things, is visually attractive; BE2 requires development to be designed so that it is keeping with any surrounding development in respect of design, materials, density, layout, building height or mass; and BE13 requires extensions to dwellings to respect the design features of the existing house and adjacent buildings including materials of construction.
8. I have taken all matters into consideration including PLP 24 of the Draft Local Plan<sup>2</sup> and the concerns raised by neighbours and a Ward Councillor. I am also mindful that there was a very long period between the application being originally submitted and a decision during which time the appellant thought that he had successfully negotiated amendments. This meant that the Planning Officer was able to recommend approval to the Planning Committee. I have taken all other matters raised into consideration but none alter my conclusion.
9. I conclude that the proposal would have a harmful effect on the character and appearance of the area. It would conflict with the policies referred to and therefore the appeal fails.

*J D Clark*

INSPECTOR

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<sup>1</sup> Kirklees Unitary Development Plan Written Statement – Revised with effect from 28 September 2007

<sup>2</sup> Kirklees Local Plan Submission Documents SD1 Kirklees Publication Draft Local Plan – Strategy and Policies.