



Appeal Decision

Site visit made on 16 January 2018

by **I Jenkins BSc CEng MICE MCIWEM**

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

Decision date: 19 February 2018

Appeal Ref: APP/Z4718/W/17/3185082

61 Swan Lane, Lockwood, Huddersfield, HD1 3UB

- 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 D Joshi against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2017/62/92385/W, dated 9 July 2017, was refused by notice dated 20 September 2017.
 - The development proposed is a single storey extension to shop.
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Decision

1. The appeal is dismissed.

Main Issue

2. I consider that the main issue in this case is the effect of the proposal on the character and appearance of the appeal property and the locality.

Reasons

3. The appeal property is a shop, which is situated at the southeastern end of a short terraced row that contains commercial units at ground floor level and residential units above. When seen from the back, the terrace appears to comprise of 3 similar 2-storey elements, each having the same pattern of openings at first floor level, which include a recessed balcony. The regular rhythm of these sets of openings contributes positively to the character and appearance of the terrace. The 3 sections of the terrace each have a back yard/garden area, which is enclosed for the most part by low walling and is positioned at a lower ground level than the access road that runs alongside their rear boundaries. On the other side of that access road are the rear yard/garden areas of a larger terrace of properties. Where they are enclosed, the rear boundary treatments of those neighbouring properties comprise low walls. As a result of the use, for the most part, of boundary treatments which are low, the street scene has a relatively open appearance. Furthermore, due to the level of the access road, the yard/garden areas and the rear elevation of the appeal terrace are clearly visible from there.
 4. The proposal involves the addition of a single-storey extension to the back of the appeal property, which would extend across almost the entire width of the back yard/garden and would project from the 2-storey rear wall of the terrace by some 8.5 metres, to around 3 metres from the rear boundary. Unlike the main building, which has a pitched roof, the large proposed extension would
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have a flat roof. Furthermore, the roof level would be higher than the floor level of the first floor recessed balcony of the adjoining section of the terrace. As a result of the mismatched roof design and the awkward juxtaposition of the extension and recessed balcony, the proposal would give an impression of poor design. Furthermore, the large proposed extension would dominate the yard/garden area to the rear of the property, diminishing the open appearance of the street scene to a degree.

5. I acknowledge that there is a flat roofed garage block to the south of the appeal site and another to the northwest of the terrace. However, those blocks are detached buildings and are not directly comparable to the proposal, which would have the appearance of an awkward and incongruous addition to the pitch roofed appeal terrace. The existence of buildings with a flat roofed design in the locality does not weigh heavily in favour of the proposed extension.
6. I conclude that the proposal would have a significant detrimental effect on the character and appearance of the appeal property and the locality. In this respect it would conflict with the aims of Policies D2, BE1, BE2 and BE5 of the *Kirklees Unitary Development Plan, 2007* (UDP) as well as Policy PLP 24 of the *Kirklees Publication Draft Local Plan* (DLP), which are consistent with the *National Planning Policy Framework* (the Framework) insofar as they encourage good design and seek to ensure that development has regard to the character of the area in which it would be situated. DLP Policy PLP 21, which is referred to in the Council's reason for refusal, appears to me to be of little relevance to this issue, as it deals with highway safety and access.

Other matters

7. I understand that the existing shop is busy and I have no reason to believe that its future would be likely to be threatened in the event that this appeal is dismissed. The appellant has indicated that the proposed extension of the shop would allow more stock to be held, thereby ensuring that the existing range of products is always available, and it would allow some expansion of the range of goods sold. In this way it would allow the business to grow and better serve the local community. In relation to these matters I consider that it would gain some support from the Framework.

Conclusions

8. Nevertheless, in my judgement, the identified benefits of the proposal would be significantly and demonstrably outweighed by the harm that I have identified in relation to the main issue. I conclude on balance, having had regard to the economic, social and environmental impacts of the scheme, that the proposal would not amount to sustainable development under the terms of the Framework and it would conflict with the Development Plan taken as a whole. I conclude, for the reasons given above, that the appeal should be dismissed.

I Jenkins

INSPECTOR



Appeal Decision

Site visit made on 7 February 2018

by **M Seaton DipTP MRTPI**

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

Decision date: 05 March 2018

Appeal Ref: **APP/Z4718/W/17/3189015**

Land adjacent to **38 Broad Lane, Uppershong, Holmfirth, HD9 3XE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of an outline planning permission.
 - The appeal is made by Lower Edge Developments Ltd against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2017/61/90516/W, dated 10 February 2017, sought approval of details pursuant to condition No 1 of an outline planning permission Ref 2015/60/91726/W, granted on 23 November 2015.
 - The application was refused by notice dated 16 October 2017.
 - The development proposed is reserved matters pursuant to outline permission for residential development.
 - The details for which approval is sought are: scale, appearance, layout and landscaping.
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Decision

1. The appeal is allowed and the reserved matters are approved, namely details of scale, appearance, layout and landscaping submitted in pursuance of condition No.1 of outline planning permission Ref 2015/60/91726/W granted on 23 November 2015, subject to the conditions set out in the Annex attached to this decision.

Main Issue

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

Reasons

3. The appeal site comprises an overgrown sloping parcel of land which wraps around an existing dilapidated listed building, No. 38 Broad Lane. The land is surrounded by existing residential development as well as further open land, some of which has been granted planning permission for further residential development. A children's nursery is located to the south-east of the appeal site. Access to the site would be taken from Broad Lane to the west of the listed building.
4. I have had regard to the proposed density of development being below the Council's target of 35 dwellings per hectare (dph) as set out in the emerging Kirklees Publication Draft Local Plan 2017 (the Draft Local Plan), with the layout identified as being 28.1 dph. However, despite this shortfall, I note that the Council has assessed that the density of development should be lower still in order to reflect the existing character of the area.

5. I noted there to be certain degree of variety in both plot sizes and the existing density of development in the area, with a general trend towards lower density development along Broad Lane itself and higher density development located further up the hillside in Netherhouses, Pennine Close, and the immediately adjacent new development. In this respect, the crux of the Council's case relates to whether the proposed dwellings would be viewed as part of the streetscene of Broad Lane.
6. It is evident that, with the exception of Plot 1 which would have a direct presence on to the street frontage, the remainder of the development would be clearly set well back from Broad Lane by an indicated 30-35 metres, and would be physically separated from Broad Lane in the main by an existing open parcel of land. However, it is acknowledged by the Council that this open land benefits from an extant outline planning permission and reserved matters approval for three dwellings, and I have no reason to believe that the approved development would not be implemented.
7. I accept that the land continues to rise up beyond the approved development of three 3-storey dwellings, and also that the proposed 3-storey dwellings subject of this appeal would be visible from Broad Lane, as is the existing development further up the hill to the north. However, irrespective of the limited quantum of development of the approved 3 dwellings, I am satisfied that the proposed development would be principally seen in glimpses between the approved dwellings and across existing open land which as a consequence of the distances involved from Broad Lane, would clearly not appear as a constituent part of the street frontage. The proposed dwellings would in context be seen as part of the backdrop to the frontage development on Broad Lane, and would contextually appear to mimic the density and spatial characteristics of the ongoing development of Pennine Close. I have also had regard to the proposed development's compliance with the Council's Space about Dwellings policy (BE12) within the UDP.
8. In this respect, I am satisfied that the proposed development would not therefore amount to an overdevelopment of the site, and would appear in keeping with the character and appearance of the area. As a consequence there would not be conflict with saved Policies BE1(ii) and BE2(i) of the Kirklees Unitary development Plan 2007, which seek to ensure that new development is of a good quality design which contributes to a built environment which is visually attractive, and also is in keeping with any surrounding development in respect of design, materials, scale, density, layout, building height or mass. I am also satisfied that the proposed development would not conflict with emerging Policy PLP24(a) of the Draft Local Plan, and paragraph 64 of the National planning Policy Framework. These emerging and national policies require that the form, scale, layout and details of all development respects and enhances the character of townscape, heritage assets and landscape, and that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Other Matters

9. As a consequence of the location of the appeal site wrapping around No. 38 Broad Lane, which is identified as a Grade II listed building, I am mindful that I have a statutory duty under Section 66(1) of the Planning (Listed Buildings and

Conservation Areas) Act 1990, to consider the impact of the proposal on the setting of the listed building, and to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

10. In this respect, I have had regard to the absence of any stated harm to the setting of the listed building, and in particular have noted the reduced height of the adjacent dwelling at Plot 1, as well as the proposed incorporation of vernacular features in the form of mullion windows, stone surrounds and other traditional detailing, as well as the use of natural materials. I am satisfied that the general layout of the proposed development would also assist in maintaining a degree of openness around the listed building. As a consequence, the proposed development would preserve its setting and would not result in a harmful impact on the significance of the heritage asset.
11. I have also had regard to the common ground between the Council and the appellant relating to the inability of the Council to demonstrate a five-year supply of deliverable housing sites, with it indicated within the submitted evidence that a 2.2 year supply currently exists. However, for the reasons set out above, this is not a matter which has had any significant bearing on my decision-making.
12. In reaching my decision, I have also had regard to the submissions of interested parties. Whilst I have noted the preference for a reduced quantum and scale of development, for the reasons I have already given I am satisfied that the proposed development would not conflict with the policies of the Development Plan and the character and appearance of the area in these respects. In addition, whilst I have had regard to the contention that there is not a shortage of housing land, I am mindful of the conclusions regarding the failure of the Council to be able to demonstrate a five-year supply of deliverable housing sites. This indicates a fundamental shortage of housing land within the wider area, and in the absence of any evidence to the contrary, this is not a contention to which I have attached any significant weight.
13. Further concerns have been raised in respect of the quantum of traffic which would be created and the means of vehicular access to and from the appeal site, as well as the impact on highway safety, and land to the east becoming land-locked as a consequence of the proposed development. In respect of the highway matters, I am mindful that the means of access was agreed at the time of approval of outline planning permission, and does not form part of the reserved matters. Furthermore, whilst it is evident that the quantum of development had not been approved at the outline stage, I am not persuaded that the likely traffic generation from the proposed number of dwellings, in the context of the existing observed highway environment, would be likely to lead to unacceptable or severe highway impacts. I also find the absence of an objection from the Council's Highway Team to be decisive on this matter.
14. I have also had regard to the concerns over the possibility of 'land-locking' an adjacent site as a consequence of the proposed development. However on the basis of the evidence before me, I see no reason to disagree with the Council's conclusions regarding the potential availability of an access on to Upperthong Lane.

Conditions

15. The Council has suggested several conditions in the event that permission was to be granted. In addition to a condition identifying the various approved plans and technical reports, I am satisfied that a condition requiring the submissions and approval of samples of the external wall and roof materials would be reasonable and necessary in the interests of the character and appearance of the area. A condition requiring details of a scheme to prevent overlooking between the rear of Plot 1 and the garden of No. 52 Broad Lane would also be necessary in order to safeguard the living conditions of future and neighbouring occupiers.

Conclusion

16. For the reasons set out above, and subject to the conditions listed in the Annex, the appeal should be allowed.

M Seaton

INSPECTOR

Annex

Conditions

- 1) The development hereby approved shall be carried out in accordance with the approved drawings numbered, unless otherwise specified in connection with the conditions attached to this planning permission:
Location Plan 15/D19/08 - 22/2/17
Proposed Site Layout 15/D19/14 Rev H - 16/8/17
Plans & Elevations Plot 1 15/D19/09 Rev B - 23/5/17
Plans & Elevations Plot 2 15/D19/15 Rev B - 23/5/17
Plans & Elevations Plot 3 15/D19/17 Rev B - 23/5/17
Plans & Elevations Plot 4 15/D19/18 Rev B - 23/5/17
Plans & Elevations Plot 5 15/D19/23 Rev C - 23/5/17
Plans & Elevations Plot 6 15/D19/22 Rev C - 23/5/17
Plans & Elevations Plot 7 15/D19/20 Rev C - 23/5/17
Plans & Elevations Plot 8 15/D19/21 Rev C - 23/5/17
Plans & Elevations Plot 9 15/D19/19 Rev B - 23/5/17
Plans & Elevations Plot 10 15/D19/24 Rev B - 23/5/17
Proposed Landscaping Layout 15/D19/16 Rev B - 12/7/17
Proposed Drainage Layout B20506-SK04 Rev E - 24/8/17
Flood Risk Assessment B20506/FRA dated 10/4/17
Drainage Statement B20506/DS dated 10/4/17
Transport Statement Ref 1003 dated July 2017
Speed Survey Data Down From Netherhouses dated 18/5/17
Speed Survey Data Up from Holmfirth dated 18/5/17
Speed Survey Interpretation 15/D19 dated 12/6/17
Road Safety Audit Stage 1/2 Project 1003 dated May 2017
Designer's response to Road Safety Audit 15/D19 12/6/17
Planning Supporting Statement Prepared by ID Planning 22/9/17
- 2) Samples of the external wall and roof materials shall be submitted to and approved in writing by the Local Planning Authority before works to construct the superstructure of the first dwelling commence. The dwellings shall be faced in the approved materials and thereafter retained as such.
- 3) Details of measures to prevent close overlooking between habitable windows in the rear elevation of plot 1 and the garden of 52 Broad Lane shall be submitted to and approved in writing by the Local Planning Authority before plot 1 is first occupied. The approved measures shall be installed before plot 1 is first occupied and thereafter retained as such.



Appeal Decision

Site visit made on 31 January 2018

by **Sarah Housden BA (Hons) BPI MRTPI**

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

Decision date: 20 February 2018

Appeal Ref: APP/Z4718/D/17/3180068

2 Oldfield Road, Honley, Holmfirth HD9 6NN

- 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 Jordan Horrocks against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2017/62/90292/W, dated 23 January 2017, was refused by notice dated 7 July 2017.
 - The development proposed is 'demolition of single storey rear extension and outbuildings and erection of two storey rear extension and internal alterations'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - Whether or not the proposed development is inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and the policies in the development plan;
 - The effect of the proposed development on the openness of the Green Belt;
 - The effect on the living conditions of adjoining occupiers, having particular regard to loss of outlook; and
 - If the development is inappropriate, whether the harm arising from 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.

Whether or not the proposal is inappropriate development in the Green Belt

3. 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 89 of the Framework indicates that the construction of new buildings in the Green Belt should be regarded as inappropriate but states some exceptions. These include 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 does not set out a definition of a 'disproportionate' addition but 'original' is defined as 'a building

as it existed on 1 July 1948 or, if constructed after that date, as it was built originally'.

4. Saved Policy D11 of the Kirklees Unitary Development Plan (2007) (UDP) is broadly consistent with the provisions of the Framework in requiring that the existing building must remain the dominant element when extending buildings in the Green Belt. Whilst the appellant indicates that the Council uses a one-third increase in the volume of the original dwelling as a general guide to assess whether or not an extension would be a disproportionate addition, there is nothing further in the evidence to confirm this approach.
5. The proposed extension would increase the volume of the original dwelling by 85m³ allowing for the removal of the existing lean-to and outbuilding. Based on the appellant's 'best case' calculation this would represent a 34% increase in the volume of the original dwelling. However, the scale and massing of the proposed extension are also relevant factors in assessing whether or not the proposal would represent a disproportionate addition.
6. The ridge height of the proposed extension would be lower than the ridge of the host dwelling. However, by reason of its two storey height and width, the proposed extension would obscure most of the existing rear elevation. Due to the combination of its length and height from the lower ground level at the rear of the property, it would not be subordinate in scale or appearance to the original dwelling and would represent a disproportionate addition to it.
7. From vantage points to the rear of the property, the extension would be the dominant feature rather than the existing dwelling and this would not accord with the provisions of UDP saved Policy D11 outlined above. There would also be conflict with UDP saved Policy BE2 which indicates that extensions should be in keeping with surrounding development in terms of scale.
8. The proposal constitutes inappropriate development in the Green Belt, which would be contrary to the Framework and is, by definition, harmful. The harm arising from inappropriateness together with the conflict with the policies in the development plan attract substantial weight against the development.

Effect on openness

9. Paragraph 79 of the Framework advises that the essential characteristics of Green Belts are their openness and permanence. The appeal dwelling occupies an elevated position and the extension would be visible in longer distances from Long Lane. However, it would be seen in conjunction with the commercial buildings to the rear of the appeal site and with the adjoining dwellings in the row, some of which have also been extended to the rear. Having regard to the location of the site and the position of surrounding development, I conclude that the harm to the Green Belt arising from loss of openness would be limited and this aspect of the proposal would not conflict with UDP saved Policy D11.

The effect on the living conditions of adjoining occupiers

10. The outdoor area to the rear of the appeal property and No 3 Oldfield Road (No 3) is accessed via a shared passageway between the two properties. Its layout is somewhat unusual with No 3 having a fenced off area approximately 2 by 2 metres in size adjacent to its back wall for use in conjunction with the dwelling. The remainder of the area to the rear of No 3 is within the red line boundary of the appeal dwelling. The shared passageway also provides access to the rear

of Nos 4 and 5 Oldfield Road so other adjoining occupiers are likely to use the area to access their properties.

11. The fenced off area adjoining No 3 is too restricted in size for outdoor activities and other occupiers will be passing through the rest of the area to reach adjoining properties rather than using it for long periods of time. The proposed extension would be to the east of the outdoor area and any additional shadowing would be limited to the morning period. Both the ground floor and first floor windows in the rear elevation of No 3 are obscure glazed and the outlook from those windows would not be materially harmed by the appeal proposal.
12. For these reasons, I conclude that the proposed development would not cause material harm to the living conditions of adjoining occupiers from overbearing impact or loss of outlook. There would be no conflict with UDP saved Policy BE14 in so far as it seeks to avoid detrimental effects on adjoining dwellings and occupiers. Nor would there be conflict with the provisions of the Framework to secure a good standard of amenity for all existing and future occupants of land and buildings.

Other considerations

13. The Framework advises that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.
14. The appellant has referred me to an extant permission for a two storey extension to the rear of the adjoining property at No 1 Oldfield Road (No 1)¹. Although it would extend approximately 4.9 metres along the common boundary with the appeal property, the Council concluded that the proposal was not inappropriate development in the Green Belt. That is different from the case before me which I have assessed based on the circumstances of the site and the details of the proposed development. Accordingly the rear extension to No 1 confers limited weight in favour of the appeal scheme.
15. Class A of the General Permitted Development Order (2015)² includes Permitted Development Rights for single storey extensions. However, as the proposed extension would be two storey, Permitted Development Rights under Class A do not constitute a comparable fall-back position and afford no weight in favour of the appeal scheme.
16. The Council has not objected to the detailed design of the proposal. Although it has been referred to in the reasons for refusal, there would be no conflict with UDP saved Policy BE1 which amongst other things seeks good quality design. The extension would be constructed in high quality materials and would improve the somewhat untidy appearance of the existing lean-to and outbuilding. However, the current appearance of the site does not have any wider adverse impact due to the screening along the southern boundary and the position of adjoining buildings and this limits the benefits arising from this aspect of the proposal.

¹ Reference 2000/62/91891/W3

² Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 1 Class A

17. The improvements to the inconvenient access arrangements to the existing lean-to and outbuilding are essentially private matters and attract limited weight in favour of the scheme.

Conclusion

18. The Framework is clear that substantial weight must be given to any harm to the Green Belt. Whilst the harm arising from loss of openness would be limited and there would be no material harm to living conditions, the proposal would represent a disproportionate addition over and above the size of the original dwelling and would therefore amount to inappropriate development in the Green Belt. I give substantial weight to the harm, by definition, that this would cause.
19. Against this, the other considerations in favour of the proposal taken as a whole would not clearly outweigh the harm arising from inappropriateness and conflict with UDP saved Policies DE11 and BE2. Consequently, the very special circumstances necessary to justify the development do not exist and having had regard to all of the other matters raised, the appeal should be dismissed.

Sarah Housden

INSPECTOR



Appeal Decisions

Site visit made on 27 February 2018

by **Gareth Wildgoose BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 March 2018

Appeal A Ref: APP/Z4718/D/17/3191051

191 Radcliffe Road, Golcar, Huddersfield, West Yorkshire HD7 4EZ

- 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 J Mashiter against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2017/62/91834/W, dated 14 May 2017, was refused by notice dated 14 September 2017.
 - The development proposed is "*erection of rear dormer windows*".
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Appeal B Ref: APP/Z4718/D/17/3191053

193 Radcliffe Road, Golcar, Huddersfield, West Yorkshire HD7 4EZ

- 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 Ian Midgley against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2017/62/91833/W, dated 14 May 2017, was refused by notice dated 14 September 2017.
 - The development proposed is "*erection of rear dormer windows*".
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Decisions:

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Procedural Matters

3. No 191 and No 193 Radcliffe Road (No 191 and No 193) are individual properties within an adjoining semi-detached pair. The planning applications subject to each appeal were submitted separately. However, the proposals relate to similar rear dormers at each property and the Council's reasons for refusal are identical in terms of the proposal subject to each appeal. The appellants have requested that the appeals are considered together and, therefore, given the common and overlapping issues I have necessarily conjoined the appeal decisions.
4. The description of development provided by the application form for each appeal has been amended by the parties in subsequent documents following the submission of revised plans, which removed front dormers, before the

Council made each decision. The description of development provided in the appeal forms for each appeal reflect the proposals within the plans upon which the Council made its decisions and therefore, I adopt them accordingly for both Appeals A and B.

5. The Council's decision notices make reference to conflict with Policies PLP24 and PLP57 of the Emerging Kirklees Local Plan publication version that was submitted for examination in April 2017. However, the Emerging Local Plan has yet to be adopted and there is no evidence before me as to whether the policies are subject to any unresolved objections, which limits the weight I can give to the policies of the Emerging Kirklees Local Plan when determining Appeals A and B. I have, therefore, determined Appeals A and B principally on the basis of the saved policies of the Kirklees Unitary Development Plan (UDP), adopted March 1999, taking account of the National Planning Policy Framework (the Framework).

Main Issues

6. The main issues for both Appeals A and B are:
 - Whether the proposal is inappropriate development in the Green Belt for the purposes of the Framework and the development plan, including the effect on the openness of the Green Belt and the purposes of including land within it, and;
 - The effect on the character and appearance of the existing property and the area.

Reasons

Whether the proposals would be inappropriate development in the Green Belt

Appeal A and Appeal B

7. Nos. 191 and No 193, subject to Appeal A and Appeal B respectively, are a modern semi-detached pair of properties that lie within the Green Belt on the southern side of Radcliffe Road. Based upon the evidence before me, the rear boundaries of the sites denote the Green Belt boundary with a railway line located beyond. The appeal proposals relate to similar rear dormers that only differ in terms of their proposed siting within the respective roofs and would be symmetrical features should both proposals be built.
8. Saved Policy D11 of the UDP relates to proposals for the extension of buildings within the Green Belt. The policy sets out relevant considerations in terms of the impact on the openness and character of the Green Belt and the size of extensions in relation to the existing building which should remain the dominant element. The Framework post-dates the adoption of the UDP. Paragraph 89 of the Framework states that the construction of new buildings should be regarded as inappropriate in Green Belt, unless it falls within certain listed exceptions. The listed exceptions include 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.
9. The Framework does not provide a specific definition of what would constitute a disproportionate addition over and above the size of the original building and, therefore, it is a matter of judgement for the decision maker. The evidence before me indicates that Nos. 191 and 193 were both constructed as part of a

- planning permission granted in 2011. Following the removal of permitted development rights for buildings, structures and extensions as part of that permission, no subsequent extensions to either property have taken place or been granted planning permission.
10. Having regard to the above, the proposed rear dormers to No 191 and No 193 respectively would not increase the footprint of the original buildings and would result in only a modest increase in volume when compared to the existing properties. I am, therefore, satisfied that the proposed rear dormers subject to Appeal A and Appeal B would not result in a disproportionate addition over and above the size of the original buildings and therefore, would fall within the listed exception at bullet point 3 of paragraph 89 of the Framework. Consequently, the proposals subject Appeal A and Appeal B are not inappropriate development in Green Belt.
 11. The Council has expressed specific concerns with respect to the effect on the open character of the Green Belt. However, the effect upon the openness of the Green Belt of an extension or alteration of a building that does not result in a disproportionate addition over and above the size of the original building is implicitly taken into account in the exception at bullet point 3 of paragraph 89 of the Framework. Consequently, given my findings that the developments subject to Appeal A and Appeal B would accord with the exception at bullet point 3 of paragraph 89, it is not necessary that I separately assess their impact upon openness in that respect. In any case, given the absence of an increase in the footprint of the dwellings or significant change to the overall proportions of the original buildings, the proposed dormers would not have an adverse impact upon the openness of the Green Belt. The siting and proportions of the rear dormers also would not harm the other purposes of Green Belt listed at paragraph 80 of the Framework.
 12. I conclude that the proposals subject to Appeals A and B are not inappropriate development in the Green Belt when having regard to paragraph 89 of the Framework, as the proposed rear dormers to No 191 and No 193 respectively would not result in a disproportionate addition over and above the size of the original buildings. In that respect, there is also no conflict with Saved Policy D11 of the UDP in so far as it relates to the openness of the Green Belt and the other purposes of including land within it.
 13. As I have found that the proposals are not inappropriate development in Green Belt and no other harm has been identified in Green Belt terms, it is not necessary to consider whether there are other considerations in favour of Appeal A or Appeal B which would amount to very special circumstances. As the Council's primary concerns relate to the scale, design and siting of the dormers, I necessarily go on to consider the effect of the proposals subject to Appeal A and Appeal B on the character and appearance of the existing properties and the area separately within the subsequent main issue.

Character and appearance

Appeal A and Appeal B

14. Nos. 191 and 193 when viewed at the front from Radcliffe Road have the appearance of a semi-detached pair of bungalows with stone walls and clay tile roofs that include roof lights. In contrast, as a consequence of steeply sloping topography toward the south, the rear elevations of the dwellings have a two

storey appearance with roof lights visible in the roofs. The rear elevations and roofslopes of the properties are visually prominent above the rear boundary fence particularly from elevated positions further to the south, including a number of public vantage points along Manchester Road, due to the largely open surroundings to that aspect and the surrounding topography of the Colne Valley where Nos. 191 and 193 are located.

15. To the eastern side of No 191 is a terraced row of four properties with front building lines closer to the road, some variation in terms of individually painted brick walls and roof heights at eaves and ridge level that are lower than the semi-detached pair of properties subject to Appeals A and B. Holmeroyd (No 197), a detached property to the west of the semi-detached pair also has a lower roof height at eaves and ridge level. A longer terraced row further to the east has a more traditional two storey appearance adjoining Radcliffe Road with a taller roof at eaves and ridge level than Nos. 191 and 193. However, notwithstanding the evident variation in roof heights and building lines along the southern side of Radcliffe Road, there is a visual coherence and rhythm to the rural character and appearance of the side gable roof designs of the detached, semi-detached and terraced properties with the traditional roof forms only interrupted by the intermittent presence of rooflights and chimneys.
16. The proposed rear dormer at No 191 subject to Appeal A would be sited in a position set away from the boundary with No 193. It would have a rear gable design consisting of a clay tile roof, hardwood frame and 4no. glazed panels intended to assimilate with the design and position of windows at lower ground floor and ground floor level within the existing rear elevation. The dormer would have a reduced height when compared with the ridge of the roof. However, the overall proportions of the rear dormer arising from the inclusion of floor to ceiling windows would result in a window cill level below the existing eaves level of the roof. The resultant relationship with the simple form of the existing roof of No 191 would appear awkward and would result in an incongruous, dominant and harmful addition to the rear elevation and roof of the existing property.
17. The proposed rear dormer at No 193 subject to Appeal B would be sited in a position set away from the boundary with No 191 with identical design, materials and proportions to the proposal identified as Appeal A. As per the proposal subject to Appeal A, the overall proportions of the rear dormer arising from the inclusion of floor to ceiling windows would result in a window cill level below the existing eaves level of the roof. The resultant relationship with the simple form of the existing roof of No 193 would appear awkward and would result in an incongruous, dominant and harmful addition to the rear elevation and roof of the existing property.
18. Having regard to the above, the proposed rear dormers at No 191 and No 193 would be viewed prominently at distance from elevated positions to the south as part of the Colne Valley landscape. From those public vantage points, the rear dormers would appear out of place when viewed in the context of the surrounding roofs of properties that are characterised by uncomplicated and traditional roof forms that provide some visual coherence within the landscape, despite the variation in building heights. Consequently, the proposed rear dormers subject to Appeal A and Appeal B would significantly harm the character and appearance of the existing properties and the area.

19. In reaching the above findings, I have taken into account that there are examples of front and rear dormers of differing designs, together with variations in style, scale, building heights and roof forms of properties within the wider setting of the Colne Valley landscape. However, I am not aware of the planning status or circumstances that led to the presence of the existing dormers and other roof alterations. In any case, the existence of other rear dormers does not outweigh the significant harm that would arise from the proposals given that the examples I observed are distant from the appeal properties. The diversity of building styles evident in the wider landscape does not influence the visual coherence of the immediate context of the appeal sites.
20. The appellants have provided a solicitors letter which intends that the rear dormer windows would be undertaken together if planning permission were to be granted for both Appeals A and B. However, the solicitors' letter does not constitute a complete planning obligation that would bind the appellants or their successors in title to such a development and therefore, it can be afforded little weight. In any case, whilst the development of Appeals A and B together would retain some balance and symmetry to the rear elevations and roofs of the semi-detached pair of properties, it would not overcome the overall harm arising from the introduction of rear dormers at Nos. 191 and 193 upon the character and appearance of the existing properties and the area.
21. I conclude that the proposed rear dormers to No 191 (Appeal A) and to No 193 (Appeal B) would significantly harm the character and appearance of the existing properties and the area. The proposals, therefore, conflict with Saved Policies BE1, BE2 and BE13 of the UDP. When taken together, the policies seek good quality design that retains a sense of local identity and is in keeping with any surrounding development including in terms of materials, scale, massing, window openings, roof styles and architectural detailing. The policies are consistent with the design objectives of the Framework and its emphasis upon local distinctiveness.

Other Matters

22. The separation distances from the rear dormers at Nos. 191 and 193 subject to Appeals A and B to neighbouring properties would be sufficient to ensure no adverse effect upon the living conditions of their occupiers. The rear dormers would also have no impact upon existing parking provision or highway safety. Nevertheless, the absence of concern in those respects is a neutral factor.

Conclusion

23. I have found that the proposals comprising Appeal A and Appeal B would not be inappropriate development in Green Belt and no other harm has been identified in Green Belt terms with respect to either proposal. However, the harm arising from each proposal upon the character and appearance of the existing properties (No 191 and No 193 respectively) and the area is a significant and overriding factor which reflects conflict with the development plan and the Framework when taken as a whole.
24. Therefore, for the reasons given above and having regard to all other matters raised, I conclude that both Appeal A and Appeal B should be dismissed.

Gareth Wildgoose

INSPECTOR



Appeal Decision

Site visit made on 26 February 2018

by **Matthew Birkinshaw BA(Hons) Msc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15th March 2018

Appeal Ref: APP/Z4718/D/18/3194160

12 George Street, Crosland Moor, Huddersfield, HD4 5AR

- 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 Akhtar against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2017/62/93793/W, dated 2 November 2017, was refused by notice dated 21 December 2017.
 - The development proposed is the erection of a front porch.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the streetscene within George Street; and
 - The effect of the proposal on the living conditions of the occupants of 10 and 14 George Street, having particular regard to outlook and sunlight.

Reasons

Streetscene

3. The appeal relates to a traditional 2-storey mid-terrace house. As part of the proposal a new porch would be erected to provide additional living space. Measuring roughly 3m deep by approximately 4.3m wide the extension would run the full width of the front elevation.
 4. Despite its set-back from the pavement, the host property is elevated above street level. The proposed extension would therefore be a clearly visible and prominent addition to the front elevation. When viewed in the context of an otherwise largely traditional terrace, its size, siting and design would represent an unsympathetic and uncharacteristic addition. The use of matching materials would not mitigate the incongruous appearance of the porch, which would be harmfully out of place in this location.
 5. I appreciate that the proposal would provide additional living space for a growing young family and improve daylight and ventilation. The appellant states that it would also add value to the property. Nevertheless, the benefits do not justify granting planning permission for such an uncharacteristic development that would contrast so significantly with its surroundings.
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6. I therefore conclude that due to its size and siting the proposal would fail to respect the design features of adjacent buildings and would detract from the streetscene within George Street. As a result, it conflicts with *Kirklees Unitary Development Plan* ('UDP') Policies BE1, BE2 and BE13 which, amongst other things, require development to be visually attractive, in keeping with its surroundings and respect the design features of adjacent buildings. For the same reasons the proposal also conflicts with UDP Policies BE14 and D2 which permit new development provided that it does not have a detrimental effect on visual amenity. Of the policies referred to by the Council these are the most relevant.

Living Conditions – 10 and 14 George Street

7. By extending the full width of the front elevation the appeal proposal would be clearly visible from the adjacent ground floor window at 14 George Street, which the Council describes as less than 1m away. The relationship between the window and the proposed extension, combined with its height and depth, would result in a visually intrusive and dominating form of development. Although the existing occupiers have not objected, and no concerns have been raised regarding privacy, I consider that the imposing appearance of the scheme would be harmful to the outlook from no.14.
8. The relationship with no.10 is different. Despite being at a lower level the intervening doorway would separate the extension from the ground floor window on the front elevation. Views from the first floor window would also be unaffected. As a result, it would not dominate the outlook from no.10. In addition, because the front of the terrace is orientated towards the north-east the proposal would only cause a very limited loss of sunlight during the early parts of the day. Based on the evidence provided its size and scale would not be sufficient to cause any significant overshadowing. Situated to the south of the porch no material loss of sunlight would occur at no.14 either.
9. I therefore conclude that by reason of its size and siting the proposal would prejudice the outlook from 14 George Street, to the detriment of the occupant's living conditions. As a result, it conflicts with UDP Policies BE14 and D2 which, amongst other things, permit new development provided that it does not prejudice residential amenity.

Other Matters

10. I note that the appellant has tried to reach a compromise with the Council by offering to reduce the size of the extension. However, I am required to consider the submitted scheme on its merits, having regard to the development plan and other material considerations, and I have determined the appeal on that basis.

Conclusion

11. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Matthew Birkinshaw

INSPECTOR