



Appeal Decision

Site visit made on 16 January 2018

by **I Jenkins BSc CEng MICE MCIWEM**

an Inspector appointed by the Secretary of State

Decision date: 14 May 2018

Appeal Ref: APP/Z4718/W/17/3183517

Fenay Lodge, Thorpe Lane, Almondbury, Huddersfield, HD5 8TA

- 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 Jim Harris against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2016/62/93871/W, dated 8 December 2016, was refused by notice dated 27 March 2017.
 - The development proposed is the erection of a single-storey 3 bed dwelling.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by the appellant against Kirklees Metropolitan Borough Council. This application is the subject of a separate Decision.

Main Issue

3. I consider that the main issue in this case is the effect of the proposal on the setting of Fenay Lodge and its significance as a designated heritage asset.

Reasons

4. The appellant's Heritage Assessment (HA) confirms that Fenay Lodge, which is a substantial two-storey stone built dwelling, was built in the 17th Century and is a Grade II Listed Building. Furthermore, when it was built, the lodge, which is situated close to the southern side of Thorpe Lane, sat in extensive grounds extending to the southwest, south and northeast. Those grounds are now limited, for the most part, to a gravelled driveway and a broadly circular parking area to the northeast as well as a rear garden area, bounded to the west, south and east by more recent residential development. Nonetheless, the HA indicates that the dwelling still retains its '*original grandness*'. I consider that, in addition to the lawn area of the rear garden, which is identified by the HA, aspects of the setting of Fenay Lodge that contribute to the significance of the heritage asset, include the gravel parking area and planting to the rear of the garden. The HA acknowledges that the quality of the building is '*offset nicely by the gravel parking area and framed by landscaping of varying heights in the foreground and beyond*'.
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5. The *National Planning Policy Framework* (the Framework) indicates that the significance of a designated heritage asset can be harmed through development within the setting of the asset. Section 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990, (as amended)* requires that in considering whether to grant planning permission for development which affects the setting of a Listed Building, special regard shall be had to the desirability of preserving its setting.
6. I understand that appeal Ref. APP/Z4718/W/16/3149647, involving the construction of a new dwelling within the curtilage of Fenay Lodge, was dismissed in 2016. However, it involved 2-storey development and so is materially different from the case before me, which I have considered on its own merits.
7. The current proposal includes the erection of a detached, single-storey dwelling of contemporary design, with flat, predominantly grassed roof areas. The building would be situated towards the back of the site, where the ground level is significantly lower than that of the lawn and it would be set partially below adjacent ground levels, which would limit the visual impact of the building. I also understand that the proposal would utilise materials which are representative of local vernacular. In these respects it would be in keeping with the requirements of Policies BE2 and BE11 of the *Kirklees Unitary Development Plan, 2007* (UDP). There would be a courtyard to the southwest of the dwelling and a parking area to the northeast, with a new driveway routed along the eastern side of the garden up to the main entrance of Fenay Lodge, off Thorpe Lane.
8. The appeal development, including the proposed building, courtyard and parking area/driveway would take up almost half the depth of the existing back garden, between the main building and its rear boundary. The construction of the dwelling and courtyard would also necessitate the removal of most, if not all, of the planting along the southeastern side of the lawn. The northwestern edge of the footprint of the dwelling would encroach on the lawn, as would the proposed Ha-ha retaining wall, alongside the building. Furthermore, the new informal planting along the southeastern edge of the retained area of lawn, whilst necessary to soften the visual impact of the development, would be likely to reduce the extent of the lawn and the sense of space to the rear of the lodge, materially reducing its positive contribution to the setting of the property.
9. In addition, the existing driveway and parking area to the northeast of the lodge would be sub-divided with planting and the eastern section would be used as part of the new separate driveway leading along the eastern side of the garden to the proposed dwelling. This would also diminish the quality of the approach to the lodge off Thorpe Lane.
10. It is likely that the adverse impacts of the proposal would be appreciated not only from Thorpe Lane, which is the principal public vantage point from where the property can be seen, but also from first floor windows of neighbouring properties to the rear, from where the elevated vantage points would be likely to allow some views over the proposed planting. Although more restricted, due to the proposed planting, views of the development would also be likely to be available from the lodge itself. I consider that the proposed development would cause considerable harm to the setting of Fenay Lodge.

11. The appellant has identified that there is an extant planning permission for the construction of a 3 car garage adjacent to the section of the rear boundary of the site shared with Nos. 23 and 25 Dartmouth Avenue. I understand that the planning permission was granted in 1996 and whilst a kitchen extension, which was also subject of that planning permission, was implemented, the garage was not. In the event of this appeal being dismissed, the appellant has suggested that the garage element of the planning permission would be implemented. Even if this were the case, based on the limited details provided by the appellant, I consider it likely that the approved development would have a much smaller footprint than the current appeal scheme and its impact on the existing shrubbery and driveway/parking area would be less. Its effect on the setting of the lodge would be far less than that of the appeal scheme. Therefore, I give the previously approved development little weight as a fallback position. Furthermore, the considerable period of time that has passed since the grant of planning permission casts considerable doubt over the likelihood of implementation and this reinforces my finding.
12. I conclude that the proposal would be likely to harm to the setting of Fenay Lodge and thereby, the significance of the designated heritage asset, contrary to the aims of UDP Policy BE1 and the Framework, as regards securing good quality design as well as UDP Policy D2, which seeks to avoid over-development and prejudicing the character of the surroundings . In my judgement, the proposal would lead to less than substantial harm to the significance of a designated heritage asset, which the Framework indicates should be weighed against the public benefits of the proposal.

Public benefits

13. The aims of the Framework include boosting significantly the supply of housing and, to that end, it seeks to ensure that local planning authorities are able to demonstrate a 5 year supply of deliverable housing sites. The Council has confirmed that it is currently unable to do so. Under these circumstances, the contribution which would be made by the proposal towards meeting the shortfall in supply attracts more weight than would otherwise be the case. However, as it involves only a single dwelling, the contribution would be small and I give it only moderate weight.
14. The inclusion of energy saving features within the design of the proposed dwelling would be in keeping with the aims of UDP Policy BE1 and the Framework as regards energy efficiency. However, whilst I understand that the dwelling would be constructed to Passivhaus standards, I have not been provided with any compelling evidence to show that either in this or some other respect the design can be properly regarded as innovative. In my judgement, it is not, not least as this is not the first appeal that I have determined involving construction of a dwelling to such standards in Yorkshire. I give these matters only moderate weight.
15. The Framework identifies that heritage assets are an irreplaceable resource and when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. I consider on balance, that the harm the proposal would cause to the significance of Fenay Lodge as a designated heritage asset would outweigh any public benefits of the proposal.

Other matters

16. The appeal site shares its rear boundary with a number of properties that front onto Dartmouth Avenue. The ground level within those neighbouring back gardens slopes down gently from the appeal site towards the rear elevations of the dwellings, which contain a number of rear facing habitable room windows. The southeastern sidewall of the proposed dwelling, which would be set back from the shared boundary by around 2.1 metres, would extend across the full width of the back garden of No. 21. However, the ground floor level of the proposed dwelling would be set well below the level of the adjacent section of the garden of No. 21 and given the single-storey, flat roofed design of the building as well as the separation distance between it and the rear elevation of that neighbouring dwelling, the proposal would not appear overdominant when seen from the rear facing windows of No. 21. Other neighbouring properties would be further away and would not face directly towards the proposed building. Furthermore, the visual impact of the proposal could be softened to some extent through the establishment of planting alongside the boundary, which could be secured by condition, although, given the limited space available, this would be unlikely to be so dense as to screen the building from view.
17. The potential for overlooking of neighbouring properties from glazed openings in the southeastern side wall of the proposed building could be satisfactorily limited through the use of obscured glazing, secured by condition. It would also be possible, through the imposition of a suitable condition, to secure the provision of a boundary treatment along the rear boundary shared with Nos. 23 and 25 which would satisfactorily limit light pollution from cars pulling into the proposed parking spaces. Given the proposal involves the addition of a single dwelling to an existing residential area, I consider that activity likely to be associated with future occupants would be unlikely to result in a significant increase in the levels of noise and disturbance experienced by neighbouring residents.
18. I conclude that, subject to conditions, it is likely that the effect of the proposal on the living conditions of neighbouring residents would be acceptable and in this respect the proposal would not conflict with UDP Policy BE12.
19. I share the view of the Council that the proposal, which would make use of an existing vehicular access point onto Thorpe Lane, would be unlikely to cause any material harm to highway safety and in that respect it would not conflict with UDP Policies T10 or D2. This is also consistent with the view reached by my colleague who dealt with the previous appeal referred to above.
20. I understand that the proposed dwelling would be occupied by the appellant, satisfying his desire to downsize from Fenay Lodge and to continue living in the same area. However, I have not been provided with any evidence to support his contention that there is unlikely to be anything comparable available in the area and in my judgement, his personal circumstances do not outweigh the planning considerations in this case. I also note that whilst the proposal was supported by the Council's Conservation and Design Officer, it was not by the Planning Officer, who recommended refusal of planning permission. I have also had regard to the correspondence from interested parties both in support of the proposal and objecting to it. However, neither the views expressed, nor

any other matters raised are sufficient to outweigh the considerations which have led to my conclusions on the main issue.

Conclusions

21. The Framework indicates that where the local planning authority is unable to demonstrate a 5 year supply of deliverable housing sites, relevant policies for the supply of housing should not be considered up to date. In such circumstances, planning permission should be granted unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or, specific policies in the Framework indicate that development should be restricted. In this case, the second limb applies, with particular reference to policies related to designated heritage assets, as set out above. However, even if that were not the case, I consider that the harm the proposal would cause to the setting of Fenay Lodge and therefore its significance as a designated heritage asset would be likely to significantly and demonstrably outweigh any benefits of the scheme.
22. I conclude on balance, that the appeal proposal would conflict with the Development Plan taken as a whole and it would not amount to sustainable development under the terms of national policy. For the reasons given above, I conclude that the appeal should be dismissed.

I Jenkins

INSPECTOR



Appeal Decision

Site visit made on 30 April 2018

by Elaine Worthington BA (Hons) MTP MUED MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd May 2018

Appeal Ref: APP/Z4718/W/18/3195819

Land at Vicarage Road, Longwood, Huddersfield, HD3 4HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr Anthony Dann, IES Management Ltd against Kirklees Metropolitan Borough Council.
 - The application Ref 2017/93861, dated 9 November 2017, sought approval of details pursuant to condition No 10 of a planning permission Ref 94/62/93648/W1 granted on 4 September 1995.
 - The development proposed is the formation of roads, footpath, sewers and ground works for Phase II of residential development.
 - The details for which approval is sought are: a scheme for the provision and implementation of a surface water regulation system.
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Decision

1. The appeal is dismissed.

Background

2. The appeal site forms part of a wider area of land with outline planning permission for residential development that was granted in 1993. The appellant indicates that Phase I of that development has been approved and constructed under a separate detailed planning permission. Planning permission was granted under reference 94/93648 for the formation of roads, footpath, sewers and ground works for Phase II of that residential development.
3. That permission was subject to a number of conditions including condition 10 which requires a scheme for the provision and implementation of a surface water regulation system to be submitted to and implemented and agreed in writing by the local planning authority. It was imposed in the interests of proper drainage and flood prevention.
4. The Council failed to determine an application seeking the approval of those details within the statutory time period. However, it has provided an officer's report and a putative reason as to why it would have refused the application had it been empowered to do so. This overall background has led to my identification of the main issue below.

Main Issue

5. The main issue is whether the submitted details with regard to condition 10 concerning a scheme for the provision and implementation of a surface water regulation system would provide adequate drainage and flood prevention.

Reasons

6. The 1994 approval has been partially implemented and includes the installation of both foul and surface water drainage. Nevertheless it excludes the surface water regulation system, which is the specific subject of condition 10. In this regard the appellant proposes to construct a concrete holding or balancing tank with a hydro brake outlet which is intended to accommodate the waters generated from a 1 in 100 year flood event (plus a 30% climate change value). It would be located at the site's lowest point in order to be gravity fed and would be adjacent to a stream and a number of public mains services which cross the site.
7. The appellant advises that an additional area of land in his ownership adjoining the appeal site is identified in the emerging development plan for residential development. As such, the proposed tank has been positioned and designed to accommodate the run off associated with the future development of that site too. With this in mind, the tank shown on the plans is split into three sections. Phase 1 would serve the appeal site and Phases 2 and 3 would serve the additional adjacent land as and when required via an extension to the tank. The tank that would serve the appeal site would be 400 cubic metres in volume. Its size has been calculated on the basis of 1.66 acres (0.7672 hectares) of the appeal site being hard-surfaced and using a discharge rate of 5L/Sec/Ha.
8. Paragraph 100 of the National Planning Policy Framework (the Framework) states that local planning authorities should take advice from the Environment Agency and other relevant flood risk management bodies such as the lead local flood authorities. Lead local flood authorities are responsible for managing local flood risk, including from surface water. Accordingly the Council has sought comments from its Flood Management Officer (FMO) who advises that the calculations developed in 2014 (and provided by the appellant to support the application) should be re-calculated using the latest rainfall guidance for the area and a drainage simulation provided to ensure that the surface water regulation system proposed provides sufficient storage.
9. The Council is also concerned about the accuracy of the submitted hand drawn plans and their in part indicative nature. It considers that these should be produced using topographic survey data to show existing and proposed cross sections and long sections along with pipe sections to show pipe dimensions, depth of infrastructure and gradients. The FMO also notes that the plan submitted of the flow control is indicative only and should have a design that can be incorporated into a simulation.
10. In response, the appellant explains that the appeal site is not to be developed comprehensively. It will be prepared such that ground levels, roads and drainage are ready to receive one off individual house designs to individual customer requirements. As such, a site layout has not been produced. This being so, the appellant argues that he is unable to finalise the surface water run off figures required by the Council or to provide details of a drainage

simulation until the various houses have been designed. As an alternative, the appellant suggests that as each dwelling (or group of dwellings) is submitted for planning approval it should be accompanied by calculations of run off requirement. A running total of the surface water outfall approved (and the remaining capacity of the tank) would thus dictate at what stage the later phased extensions to the tank are triggered.

11. Whilst I appreciate that the tank would be capable of being extended to accommodate the development of the adjoining land, the future drainage of that site is not before me for consideration. In determining this appeal, I must consider whether the submitted surface water regulation system details are adequate to serve the permitted development at the appeal site.
12. The Council maintains that a drainage simulation is essential to identify the feasibility of the proposed drainage strategy. In practical terms drainage simulation models or programmes are used to analyse the suitability and performance of water management systems and to, amongst other things, ensure they have sufficient capacity. The FMO advises that to provide a simulation is not a difficult exercise and is clear that they are expected of all major developments. Taking into account the site's planning history and the plot by plot approach to development envisaged, the FMO suggests that where the finished plot hard standing is known, it is computed as such in supporting calculations. Where there is less confidence, he indicates that the hard standing contribution to flows entering specific legs of the proposed sewerage design should be based on that of the original permission (I understand that the approved plans for the 1993 permission show 45 dwellings).
13. On this basis I see no reason why the proposed housing development needs to be completely designed up front to provide the information required by the Council. The appellant confirms that he has calculated the run off (and resultant tank requirements) using the approved scheme layout upon which the 1994 permission (for the roads, footpaths and sewers) was based. The submitted letter from the appellant's engineer recognises that the discharge rate is approximate and advises that the only way of determining the final size of the storage tank is to run the proposed surface water network through a simulation. The engineer also recognises that a detailed design of the drainage network would be required. Whilst I appreciate that the structural detailed design for the tank would be submitted prior to its construction, as things stand I share the Council's view that the submitted drawings are not accurate or detailed enough to adequately describe the drainage network anticipated, or to show the precise nature of the tank's design or the pipework that would be provided.
14. Although some of the calculations necessary for the simulation may be superseded by the detailed submissions made with the individual houses, I am not persuaded that this is a reason not to provide them in the first instance. Even accepting that any simulation in this instance would be based on the best information available, rather than on the as yet to be determined detailed individual plot designs, and may need to be refined, in the absence of any simulation at all there is no evidence before me to demonstrate that the drainage would operate as required. Nor have I seen any information to justify the use of the calculations developed in 2014 rather than the latest rainfall data guidance suggested by the Council.

15. Bringing matters together, in the absence of detailed drawings and a simulation using the latest rainfall guidance, I have seen insufficient evidence to persuade me as to the feasibility of the proposed drainage strategy or to demonstrate how surface water would be adequately regulated (such that the site would not flood in the 1 in 30 return period storm event, or that any flooding in the 1 in 100 year return period event would be stored on site).
16. I understand that the ground works at the appeal site were completed 15 years ago and that the levels are ready to receive the roads and drainage in readiness for the houses. The only element of site preparations not approved is the design of the balancing facility and the lack of agreement on this outstanding matter is hampering the progress of the development of the site which has been held up since 2014. However, this is not a reason to accept unsatisfactory details in relation to the treatment of surface water. Although the design of the roads and drainage construction were included in the approval granted in 1994, it remains that the details of the surface water regulation system were not approved at that time. They are required by Condition 10. Thus, I am not persuaded that in resisting the details submitted as inadequate, the Council has in any way reversed the existing approval.
17. I have had regard to the appellant's view that the Council's approach is driven by a desire to include conditions which were imposed on an approval for four houses on plots 34-37 in 2013. Whilst the appellant refers to an appeal against the imposition of those conditions, I note that although not specifically referring to a surface water regulation system, the Inspector in that case re-imposed a condition requiring means of surface water disposal to be approved prior to the commencement of development. As such, I cannot see that is argument lends any support to the appeal scheme.
18. I therefore conclude on the main issue that the submitted details with regard to condition 10 concerning a scheme for the provision and implementation of a surface water regulation system would fail to provide adequate drainage and flood prevention. This would be contrary to the advice in the Framework which requires local planning authorities to adopt proactive strategies to mitigate and adapt to climate change taking full account of flood risk, and expects new development to be planned to avoid increased vulnerability to the range of impacts arising from climate change.

Conclusion

19. For the reasons set out above, I conclude that the appeal should be dismissed.

Elaine Worthington

INSPECTOR



Appeal Decision

Site visit made on 23 April 2018

by **Alison Partington BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4th May 2018

Appeal Ref: APP/Z4718/W/18/3194077

36 May Street, Crosland Moor, Huddersfield, West Yorkshire HD4 5DG

- 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 Mambir Bains against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2017/62/92057/W, dated 12 June 2017, was refused by notice dated 17 August 2017.
 - The development proposed is the conversion of the basement to form self-contained apartment.
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Decision

1. The appeal is dismissed.

Procedural matter

2. I observed at my site visit that a separate external access to the basement had already been created but it was unclear whether all the internal work to create the flat in the basement had also taken place. Whilst doors and windows had been inserted at basement level these did not accord with the submitted plans. For the avoidance of doubt I confirm that my determination of the appeal is based on the drawings as submitted, and not on what currently exists on the site.

Main Issue

3. The main issue in the appeal is whether or not the proposed development would provide adequate living conditions for future occupiers with particular regard to light, outlook and space.

Reasons

4. The appeal property is a back to back end terrace house. The proposal would create a studio flat in the basement, with a combined living/kitchen/sleeping area, and a separate shower room. The flat would have a separate access across the front yard with a small flagged area at the bottom of the steps.
5. The front elevation would contain the only windows for the accommodation. These would all be at lower ground level and would only maintain a very limited distance to the retaining wall. The plans indicate that although one of the two windows would be quite small, the other would be a full length window, and that there would be some glazing in the door too. Notwithstanding this, their

- position below ground level, and the limited depth of the light well, would result in the flat having unsatisfactory levels of natural light and a poor outlook.
6. Furthermore, given that the windows would be directly overlooked from the front yard, which is the only external space for the occupiers of the upper floors of the property, in order to provide a satisfactory level of privacy, it is likely that future occupiers would want to provide some form of screening to these windows. This would further reduce the light entering the flat and the outlook from it.
 7. The appellant has suggested that a poor outlook is often accepted by the occupiers of basement accommodation. Nevertheless, in this case, as these would be the only windows serving the flat I am not satisfied that adequate living conditions would be provided.
 8. Although the main room would be a regular shape, its floor area for a combined living and sleeping area is very limited. As such, I am not satisfied that it would allow a satisfactory arrangement of furniture and circulation space, or adequate storage space. Consequently, it would result in cramped living conditions. This would be exacerbated by the very limited provision of external space for the flat.
 9. In support of the appeal my attention has been drawn to the fact that the floor space provided is similar to other student accommodation recently granted permission in the town centre. It is suggested that the scheme could provide similar accommodation for a student who would prefer a non-town centre location. I do not know the full circumstances of these other cases, such as what communal facilities, or external space, were also provided for occupiers, and so cannot be sure that they represent a direct parallel to the appeal scheme. In any case, I have determined the appeal on its own merits, and the existence of other accommodation with limited floor space does not justify the provision of sub-standard accommodation in this scheme.
 10. Overall, I consider that the proposed development would not provide adequate living conditions for future occupiers with particular regard to light, outlook and space. It would therefore conflict with Policies D2 (ii and v), BE1(iv) and BE12 (ii) of the *Kirklees Unitary Development Plan (adopted March 1999 and revised September 2007)* which seek a high quality of design in new developments that provide adequate residential amenity and avoid the over-development of sites.
 11. For the reasons set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR



Appeal Decision

Site visit made on 24 April 2018

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

an Inspector appointed by the Secretary of State

Decision date: 11 May 2018

Appeal Ref: APP/Z4718/D/18/3195047

8 The Barn, Copley House Barn, Deer Hill End Road, Meltham, Holmfirth HD9 5PU

- 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 Jane Cook against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2017/62/93833/W, dated 6 November 2017, was refused by notice dated 27 December 2017.
 - The development proposed is described as a proposed sun room.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal is inappropriate development in the Green Belt.
 - The effect on the openness of the Green Belt.
 - The effect on the character and appearance of the host property and the surrounding area.

Procedural Matter

3. The Council has referred to the policies contained within the emerging Kirklees Local Plan. Although the Publication Draft of this plan has been subject to examination it has not yet been adopted by the Council. I have no evidence of the extent to which the policies referred to in this emerging plan may be subject to any unresolved objections. Consequently, I have attached limited weight to the policies in this emerging plan in the determination of this appeal.

Reasons

Whether or not inappropriate development

4. The appeal property is located within the designated Green Belt. Paragraph 89 of the National Planning Policy Framework sets out that the construction of new buildings should be regarded as inappropriate in the Green Belt. One exception is 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.

5. The appeal property is a two storey dwelling which forms part of a barn conversion of four dwellings. None of these have any extensions to the properties and, as such, the converted dwellings have a regular appearance and a simplistic form which provides for a degree of unity that enables the former linear appearance of the barn to be recognised. As the north elevation abuts Deer Hill End Road, the southern elevation forms the principal elevation for amenity and access. The Council indicates that a planning condition was imposed to the permission for the conversion of the barns that removed permitted development rights for construction of extensions to the dwellings.
6. The proposed development would involve the construction of a single storey extension, with lean-to roof, to the south elevation of the property. The Council indicate that this would extend from the south elevation by approximately 3.5m and have a width of approximately 6.2m, thereby occupying over half of the existing elevation at ground floor level.
7. Saved Policy D11 of the Kirklees Unitary Development Plan 2007 (UDP) sets out the Council's approach regarding the consideration of proposals for the extension of buildings within the Green Belt. This policy indicates that the size of the extension should ensure that the existing building should remain the dominant element. However, it contains no other guidance to enable any determination of what volume or floorspace may be considered to be proportionate in relation to size of the existing dwelling. Although the policy also refers to the consideration of the effect of extensions on the character of the existing building, assessing proportionality is primarily an objective test based on size.
8. Whilst I have no evidence of the volume or floorspace that would be occupied by the proposed extension in comparison to the existing building, I do not consider that its modest size would constitute a disproportionate addition to the property when compared to the form, bulk and height of the host dwelling. Moreover, in the context of Saved Policy D11, the existing building would be retained as the dominant element.
9. Taking these factors into consideration, the proposal would not be inappropriate within the Green Belt. Consequently, it would comply with Saved Policy D11 of the UDP in this regard.

The effect on Openness

10. A fundamental aim of Green Belts is to keep land permanently open. An essential characteristic is their permanence. The proposed extension would occupy part of the existing enclosed garden to the property. Owing to the hillside location of the property with a steep bank immediately to the rear, the majority of the proposed development would not be discernible in wider views of the Green Belt. Moreover, although occupying an undeveloped area, an extension of this size would not materially detract from the openness of the Green Belt. Consequently, I consider that the proposed development would have a broadly neutral effect on the openness of the Green Belt.

Character and appearance

11. The proposed extension would comprise of an oak frame constructed on a small stone plinth with oak panelling to the western side elevation with No 6. The

southern and eastern elevations would have substantial glazing panels that would almost occupy the full height of these facades.

12. The existing dwellings forming the converted barn have relatively modest sized window and door openings with an expanse of natural stone being the dominant feature of the south and north elevations. As such, the key components that contribute to the former character of the barn have been retained and are reflected in the combined appearance of the four dwellings.
13. Owing to the proposed depth of the extension on this principal elevation it would appear as a prominent projecting feature that would erode the linear character and simplistic form of the converted barn. In addition, the expanse of glazing proposed would appear at odds with the predominance of stone and modest fenestration which forms a key characteristic of the existing southern elevation of the host dwelling and those of the properties in the immediate building group.
14. As such, the combination of its design and use of materials would result in the proposed extension appearing as an intrusive feature that visually competes with the appearance of the host dwelling and the adjoining dwellings comprising the converted barn. The proposal would therefore erode the visual unity and simplistic form of the converted barn.
15. Taking these factors into account, I consider that the proposed extension would have a detrimental effect on the character and appearance of the host property and the surrounding area and would be contrary to Saved Policies BE1, BE2, BE13 and BE14 of the UDP. These policies, amongst other things, require that developments should be of good design that is in keeping with the design features of the existing house and adjacent buildings.

Other considerations

16. I have taken into account the personal circumstances of the appellant and the need to provide additional and quiet living space for a family member. Whilst I have some sympathy with the appellant in this regard, such personal circumstances do not outweigh the harm that I have identified above.
17. I note that only the northern elevation of the property, which would be unchanged as a consequence of the appeal proposal, is visible from the road. As such, the public views of the proposed extension would be limited. However, the lack of public views does not constitute a good reason for accepting poor design particularly in circumstances where the existing appearance of the southern elevation of the dwelling contributes to the unity of the converted barn.
18. My attention has also been drawn to the competed extension at Swallows Nest Farm. However, I do not have full details of the nature of the proposals or the circumstances relating to the granting of planning permission. Consequently, I cannot be sure that this is wholly representative of the circumstance in this appeal and, in any case, I have determined this appeal on its own merits.

Conclusion

19. I have found that the proposed extension would not be inappropriate development within the Green Belt. In addition, it would not materially detract from the openness of the Green Belt. However, these matters do not

outweigh the harm that would be caused to the character and appearance of the host property and the surrounding area.

20. For the above reasons, taking into account the development plan as a whole based on the evidence before me and all other matters raised, I conclude that the appeal should be dismissed.

Stephen Normington

INSPECTOR



Appeal Decision

Site visit made on 14 May 2018

by A J Mageean BA (Hons) BPI PhD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th June 2018

Appeal Ref: APP/Z4718/W/17/3190683

19 Yew Green Avenue, Lockwood, Huddersfield HD4 5EW

- 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 Parvez Akhtar against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2017/62/92941/W, dated 21 July 2017, was refused by notice dated 9 October 2017.
 - The development proposed is erection of first floor extension over existing porch to front.
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Decision

1. The appeal is allowed and planning permission is granted for erection of first floor extension over existing porch to front at 19 Yew Green Avenue, Lockwood, Huddersfield HD4 5EW in accordance with the terms of the application, Ref 2017/62/92941/W, dated 21 July 2017, and the plans submitted with it.

Procedural Matters

2. I have used the shorter version of the description of the proposal provided on the appeal form which removes superfluous description.
3. At the time of my site visit the construction of the first floor extension over the porch had been completed in accordance with plan 6083 02. Whilst I observed that other elements of the design of this dwelling varied somewhat from this plan, I have focused my attention on the first floor extension over the existing porch only.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site is located at the head of a short cul-de-sac of traditional two storey semi-detached dwellings. In contrast, the appeal property is a recently constructed and substantial detached property, with additional basement and attic accommodation which fills much of the width and depth of this irregularly shaped plot. When viewed directly from the road frontage, the substantial bulk and mass of this property stands in contrast with its surroundings. However, it is sited at a considerably lower level than other houses, and behind the main

building line. The dwelling is mostly hidden in other views along Yew Green Avenue, though towards its southern end the side profile of this dwelling is visible and appears modestly proportioned.

6. The first floor extension over the existing porch is positioned to the south of and inset from the projecting front gable. In design terms this addition to some degree balances with the two storey element on the northern side of the gable. Furthermore, the use of matching materials means that it appears as an integral part of the overall built composition.
7. The development of this plot has clearly been maximised. However, because of the discrete position of this dwelling relative to the street and the modest size and position of the extension, this addition does not appear overly intrusive or incongruous. For the same reason, when considered in combination with previous alterations this does not amount to an overdevelopment of the site.
8. As a result I therefore conclude that the proposal does not have a harmful effect on the character and appearance of the area. In this regard it would comply with the Kirklees Unitary Development Plan (Written Statement Revised with effect from 2007) Policies D2, BE1 and BE2 which taken together, require good quality design which is in keeping with its surroundings and does not result in overdevelopment.
9. Therefore, for the reasons given, I conclude that the appeal should be allowed.

AJ Mageean

INSPECTOR