
Appeal Decisions

Site visit made on 22 May 2018

by Debbie Moore BSc (HONS) MCD MRTPI PGDip

an Inspector appointed by the Secretary of State

Decision date: 11 July 2018

Appeal A: APP/Z4718/C/18/3193211

Appeal B: APP/Z4718/C/18/3193212

Appeal C: APP/Z4718/C/18/3193213

Appeal D: APP/Z4718/C/18/3193214

Woodside Farm, 2 Wakefield Road, Grange Moor, West Yorkshire WF4 4DS

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (the 1990 Act) as amended by the Planning and Compensation Act 1991.
- The appeals are made by Mrs Lydia McGrath (Appeal A), Mr Anthony McGrath (Appeal B), Oranmore Holdings Ltd (Appeal C) and Oranmore Environmental Services Ltd (Appeal D) against an enforcement notice issued by Kirklees Metropolitan Borough Council.
- The enforcement notice was issued on 6 December 2017.
- The breach of planning control as alleged in the notice is: without planning permission, the material change of use from agriculture to a mixed use of agriculture and drainage engineer's depot and an engineering operation to create a hard surface in the area hatched blue on the plan.
- The requirements of the notice are: cease the use of the site as a mixed use of agriculture and drainage engineer's depot, remove the portable office and all vehicles associated with the drainage engineer's business from the site and remove the hard surface (shown hatched blue) and restore the land to its previous condition.
- The period for compliance with the requirements is 28 days.
- Appeal A is proceeding on the grounds set out in section 174(2) (a), (f) and (g) of the 1990 Act as amended.
- Appeals B, C and D are proceeding on the grounds set out in section 174(2) (f) and (g) of the 1990 Act as amended.

Summary of Decisions: The appeals are dismissed and the enforcement notice is upheld with variations.

Appeal A on Ground (a)

Preliminary Matter

1. The notice does not identify any relevant development plan policies in the reasons for issuing the notice. However in their evidence, the main parties refer to policies PLP1, PLP10 and PLP60 of the emerging Local Plan. The information in relation to the stage of preparation of the emerging plan and the extent of any unresolved objections is very limited. It is possible that the policies may change in the future. Consequently, I give the emerging policies limited weight, having regard to paragraph 216 of the National Planning Policy Framework (the Framework).

Background

2. Woodside Farm is an agricultural holding located in the Green Belt. It lies to the south of the A642 Wakefield Road and close to the junction with the A637. The

area is predominantly rural in character. There are commercial uses in the vicinity, the majority of which are clustered around the road junction.

3. The site comprises the farmhouse and attached barn fronting Wakefield Road, a further detached barn and agricultural land. At present, the detached barn is used in connection with appellants' engineering business. An area of hardstanding between the barn and the road is used for related vehicle parking. It was also in use for outside storage at the time of my site visit. A portable building has been erected towards the rear of the barn which is used as offices, also in connection with the unauthorised use.

Main issues

4. I consider the main issues to be:

- Whether the development is inappropriate development in the Green Belt, having regard to the Framework;
- The effect on the openness of the Green Belt;
- Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether the development is inappropriate development in the Green Belt

5. The terms of the deemed planning application are derived from the allegation. Planning permission is sought for the material change of use of the land to a mixed use of agriculture and drainage engineer's depot. Although the unauthorised use is confined to specific areas within the site at present, the land identified by the plan attached to the notice encompasses the whole site; the buildings, areas of hardstanding and the agricultural land to the rear. A change in the use of land is not included in the exceptions listed in paragraph 90 of the Framework, nor is it within the exceptions specified in paragraph 89. Consequently, the development represents inappropriate development which is, by definition, harmful to the Green Belt.

The effect of openness

6. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The barn currently in use as an engineer's depot is constructed from blockwork and boarding with a cement roof. It is in a good state of repair and can be considered to be of permanent and substantial construction. However, the effect of the development on openness is not confined solely to permanent physical works. It is apparent from the submissions of both main parties that the hardstanding is used for parking up to five HGVs. This is necessary as it enables a fast response in the event of an emergency. Hence, the extension of the hardstanding facilitated the material change of use.
7. The fact that the vehicles would not be parked on a permanent basis is not enough to establish that they would not detract from the openness of the area. Given the nature of the depot use and the need for the parking, it is likely that HGVs would be parked on a regular basis. Although the hardstanding is within

the boundaries of the farm holding, this part of the site was previously open. The parking of large vehicles on a regular basis would result in a loss of openness as compared to the effect of the previous use.

8. The portable office is located further away from the road and is less prominent. Nonetheless, the siting of a structure on part of the site that was previously open inevitably affects openness.
9. It is established that openness of the Green Belt has a visual as well as a spatial aspect. The countryside contains a wide variety of features and the effect of development as encroachment on the countryside may be in the form of loss of openness or intrusion. There is a line of trees along the site frontage which are protected by a Tree Preservation Order. Whilst these provide some screening, the part of the site occupied by the hardstanding remains highly visible due to its proximity to the road. During my site visit I saw that the two HGVs, which were parked at the time, were conspicuous in views from the main road. The development includes the parking of up to five HGVs on a prominent part of the site, which represents a visual intrusion. Having regard to the spatial and visual impact, I consider the development has a moderate adverse effect on openness.
10. The Council refers to a previous appeal on the site, which concerned the use of the barn for storage. The full balance of considerations that informed that appeal is not before me. Although it appears I have reached a similar conclusion in respect of openness, my assessment is based on the facts of this appeal in the context of national planning policy and relevant case law.

Other considerations

11. The appellant suggests that the portable office could be re-sited within the building. This could be secured through a condition, which would address the impact of the structure on openness. However, this would not overcome my concerns in relation to the use of the hardstanding. The parking of HGVs is integral to the use of the barn as an engineer's depot and the vehicles necessarily need to park nearby. To prevent or restrict the parking through a condition is likely to impact on the use and, hence, such a condition would be unreasonable in this context. Consequently, this consideration carries limited weight.
12. The appellant argues that the continued agricultural use of the site would have a similar effect as the storage of engineer's plant and machinery. In particular, it is alleged that the hardstanding could be laid and used for storing farm machinery without planning permission¹. However, this overlooks the fact that the hardstanding was extended to facilitate the unauthorised use of the land. There is no evidence that it is needed or would be used for the purposes of agriculture within the unit. As such, it has not been shown that a valid fall-back position in relation to the lawful use of the site is likely to be exercised.
13. The appellant indicates that the hardstanding was already in situ and was simply extended to the rear of the frontage trees. However, there is limited information to support this claim.

¹ Article 3, Schedule 2, Part 6 of The Town and Country Planning (General Permitted Development)(England) Order 2015 (the GPDO) grants deemed permission for any excavation or engineering operations which are reasonably necessary for the purposes of agriculture within that unit.

14. I understand that the drainage engineering business operates from a nearby site, but an emergency repair service is necessarily operated from the appeal premises. Whilst the evidence advanced supports the need for an operation on site, it does not justify the extent of the development, the numbers of HGVs parked, or their location within the site. Although I accept that there would be some benefits to the scheme, it has not been shown that the scale of the development is the minimum necessary to achieve those benefits. Consequently, I give the operational benefits limited weight.
15. It is contended that the use represents diversification of the farming business. However, the business is an established enterprise, which operates from a site in Cleckheaton. As such it cannot be considered diversification of a rural enterprise in the sense promoted by the Framework.
16. It is claimed that the site is accessible by a range of modes of transport. There may be a regular bus service but this does not show that the site is well-located for access to public transport. The roads in the immediate vicinity are relatively flat, but I disagree that they are conducive to cycling due to their classified status and relative traffic speeds.
17. Notwithstanding the comments of local residents and further comments from the Council, the notice does not allege harm to highway safety or residential amenity. However, lack of harm is a neutral factor that does not weigh for or against the proposal.

Conclusion

18. The proposal is inappropriate development and the Framework establishes that substantial weight should be given to any harm to the Green Belt. In addition, there would be a moderate loss of openness. Limited weight is attached to the other considerations put forward by the appellant. These considerations do not clearly outweigh the totality of harm. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal does not accord with the Framework, insofar as it seeks to protect Green Belt land.

Other Matters

19. The appellants have appealed on ground (f) and are seeking to retain the hardstanding for agricultural purposes. However, there is very limited information on how the hardstanding would be used, given that it was extended to facilitate the material change of use and is integral to the engineer's depot. Consequently, I am not satisfied that this alternative would not amount to inappropriate development or that very special circumstances exist to justify the development. Although the permitted development rights may apply, it has not been shown that these are likely to be exercised.
20. For the reasons given above, the appeal on ground (a) and the application for deemed planning permission fail.

Appeals A, B, C and D on Ground (f)

21. The appellants have appealed under ground (f) on the basis that the steps required by the notice to be taken exceed what is necessary.

22. Section 173 of the 1990 Act as amended, indicates that there are two purposes which the requirements of an enforcement notice can seek to achieve. The first (s173(4)(a)) is to remedy the breach of planning control which has occurred. The second (s173(4)(b)) is to remedy any injury to amenity which has been caused by the breach. In these appeals, the reasons behind the notice refer to the effect of the development on the openness of the Green Belt, and the fact that it is considered to be inappropriate development. The notice is directed at remedying the breach of planning control and what must be considered is whether the requirements exceed what is necessary to achieve that purpose.
23. The appellants are seeking to retain the hardstanding and I have considered that matter under ground (a) above. However, I have found that the hardstanding is integral to the material change of use. As such, it must be removed in order to remedy the breach. The statutory purpose behind the notice can only be achieved by complying with its requirements.
24. Therefore, I do not consider the requirement to remove the hard surface and restore the land to its previous condition would exceed what is necessary to remedy the breach. Consequently, the appeals on ground (f) must fail.

Appeals A, B, C and D Ground (g)

25. The appeals on ground (g) are that the time given to comply with the notice is too short. I consider that it would be difficult to physically complete the works required within the 28 days given by the notice. However, a nine month period would be unnecessarily long. Compliance would be disruptive for the company, but I see no evidence that the appellants need nine months to find an alternative site. Taking account of all circumstances, I conclude that a compliance period of six months would be proportionate and reasonable. To this limited extent, the appeals on ground (g) succeed.

Conclusion

26. For the reasons given above I conclude that the appeals should succeed on ground (g) only. I shall uphold the enforcement notice with variations and refuse to grant planning permission on the deemed application.

Formal Decision

27. It is directed that the enforcement notice be varied by:
- 1) replacing the words "within 28 days" to "within 6 months" in paragraph 5 of the notice.
28. Subject to this variation the appeals are dismissed and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Debbie Moore

Inspector



Appeal Decision

Site visit made on 26 June 2018

by Helen Hockenhull BA(Hons) B.PI MRTPI

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

Decision date: 17 July 2018

Appeal Ref: APP/Z4718/W/18/3198055

Rockwood House, Cockermouth Lane, Flockton, Wakefield WF4 4BS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Hoyle against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2017/62/91415/E, dated 24 April 2017, was refused by notice dated 26 February 2018.
 - The development proposed is a single storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey side extension at Rockwood House, Cockermouth Lane, Flockton Moor, Wakefield WF4 4BS in accordance with the terms of the application, Ref 2017/62/91415/E, dated 24 April 2017, 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: Drawing No. 17-D12-02 Existing Site Layout, Drawing No. 17-D2-03 Rev A Proposed Site Layout, Drawing No. 17-D12-04 Existing Plans and Elevations, Drawing No. 17-D12-07 Rev A Proposed Plans and Elevations.
 - 3) The materials to be used in the construction of external surfaces of the extension hereby permitted shall match those used in the existing building.

Procedural matter

2. The original planning application proposed a single storey side extension and a first floor terrace to the existing dwelling. The first floor terrace has been removed from the scheme. I have therefore considered the appeal on that basis.
3. I am advised by the Council that the Kirklees Publication Draft Local Plan (PDLP) was submitted to the Secretary of State for Examination in April 2017. In line with paragraph 216 of the National Planning Policy Framework (the Framework) as the Plan is now an advanced stage, I attribute significant weight to the document in the determination of this appeal.

Main Issue

4. The main issue in this case is whether the proposal would be inappropriate development in the Green Belt for the purposes of the Framework and development plan policy.

Reasons

5. Rockwood House forms a modern two storey dwelling constructed approximately 6 years ago. The appellant operates an established equestrian centre. Stable buildings lie to the north east of the dwelling and an adjoining farm and outbuildings lie to the south. The site is accessed by a private single track road and is located within the Green Belt.
6. I am advised that the equestrian use is subject to a section 106 agreement limiting the number of horses on the site to 15. I understand that the appellant is in breach of this limit and there are currently 25 horses on site.

Inappropriate development

7. Paragraph 89 of the Framework states that the construction of new buildings in the Green Belt should be regarded as inappropriate. The paragraph goes on to list several exceptions to this which 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.
8. Saved Policy D11 of the Kirklees Unitary Development Plan 2007 concerns proposals for the extension of buildings within the Green Belt. It states that such proposals will be considered having regard to the impact on the openness and character of the Green Belt and the size of the extension in relation to the existing building which should remain the dominant element. Whilst this policy pre dates the Framework, I consider it is broadly consistent with it and therefore I give it significant weight.
9. The proposed extension to the dwelling is required to provide a new office base and reception for the equestrian use. The proposal would have an overall volume of around 132 cubic metres, around a 20% increase in the volume of the existing house. This does not in my view amount to a disproportionate addition over and above the size of the existing dwelling. The proposal does not therefore form inappropriate development in the Green Belt. It would comply with paragraph 89 of the Framework and Saved Policy D11 of the UDP.
10. The Framework indicates that openness is an essential characteristic of the Green Belt and that one of the purposes of the Green Belt is to assist in safeguarding the countryside from encroachment. Having regard to the limited increase in built form in this case, I consider that the impact on the openness of the Green Belt would not be material.
11. Whilst the Council have also concluded that the extension would not be inappropriate development in the Green Belt, they have refused planning permission on the basis that the appellant has failed to demonstrate 'special circumstances' regarding the need for the proposed extension taking account of the limitations imposed on the business. The reason for refusal states that the proposal therefore conflicts with paragraphs 55 and 89 of the Framework.

12. However paragraph 55 relates to proposals for new isolated homes in the countryside. As the appeal is for an extension to an existing dwelling, this paragraph is not relevant to the consideration of this case.
13. Furthermore as the extension does not form inappropriate development in the Green Belt and accords with national policy, it is not necessary to consider whether the 'special circumstances' referred to in paragraph 88 of the Framework exist. Such an assessment would have been made when planning permission was originally sought for the dwelling. In granting planning consent, the Council accepted that this had been demonstrated.

Other matters

14. The proposed extension has been designed to complement the existing dwelling and is proposed to be constructed in matching materials. It therefore complies with Policies BE1, BE2 and BE13 of the UDP and Policy PLP24 of the PDL which aim to achieve high quality design and safeguard the character and appearance of the host dwelling and the surrounding area.
15. The Council have argued that the office use could be provided by converting part of the existing dwelling. Whilst this may be the case, in light of my finding with regard to Green Belt policy, it has no bearing on this decision.
16. I am advised that the number of horses currently stabled on the site breaches the section 106 agreement governing the equestrian use of the site. This forms a separate matter between the Council and the appellant. I am informed by the appellant that an application to regularise the situation and amend the section 106 agreement has been made. The Council have confirmed that there are no highway safety concerns to this variation.

Conclusion

17. I have found that the appeal proposal would not form inappropriate development in the Green Belt and would not materially harm the openness of the Green Belt. Furthermore the proposal would not result in harm to the character and appearance of the host property or the surrounding area. For the reasons given above and having had regard to all other matters raised I therefore allow this appeal.
18. The Council has not suggested any conditions in the event that the appeal is allowed. In addition to the standard timeframe condition, I consider that a condition requiring the development to be constructed in accordance with the approved plans is necessary for the avoidance of doubt. A condition regarding external materials is also necessary to ensure there would be no harm to the character or appearance of the host dwelling or the surrounding area.
19. For the reasons given above and having had regard to all other matters raised, I allow this appeal.

Helen Hockenhull

INSPECTOR

Appeal Decision

Site visit made on 3 July 2018

by Helen Hockenhull BA(Hons) B.PI MRTPI

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

Decision date: 17 July 2018

Appeal Ref: APP/Z4718/D/18/3198293

Oak Tree House, 185 Drub Lane, Drub, Cleckheaton BD19 4BZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Dan Dalton Scott against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2018/62/90115/E, dated 9 January 2018, was refused by notice dated 9 March 2018.
 - The development proposed is the erection of a two storey side and front extensions with single storey element.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I am advised by the Council that the Kirklees Publication Draft Local Plan (PDLP) was submitted to the Secretary of State for Examination in April 2017. In line with paragraph 216 of the Framework as the Plan is now at an advanced stage of preparation, I attribute significant weight to this document in the determination of this appeal.

Main Issues

3. The main issues in this case are:
 - whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - the effect of the development on the openness and purposes of the Green Belt;
 - the effect of the proposal on the character and appearance of the host dwelling;
 - if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

4. The appeal building forms a mid-19th century two storey traditional cottage located in Drub a small rural hamlet. The property is constructed in stone with a slate roof, a central porch feature on the front elevation and an existing conservatory to the front and side. The dwelling has no space to the rear as it backs onto open fields. The site is located within the Green Belt.

Inappropriate development

5. The National Planning Policy Framework (the Framework) states that inappropriate development in the Green Belt is by definition harmful and should not be approved except in very special circumstances. Paragraph 89 of the Framework states that the construction of new buildings in the Green Belt shall be regarded as inappropriate development. One exception to this is the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building.
6. Saved Policy D11 of the Kirklees Unitary Development Plan 2007 concerns proposals for the extension of buildings within the Green Belt. It states that such proposals will be considered having regard to the impact on the openness and character of the Green Belt and the size of the extension in relation to the existing building which should remain the dominant element. In the case of traditional buildings, such as the appeal case, the effect on the character of the existing building will be considered. Whilst this policy pre dates the Framework, I consider it is broadly consistent with it and therefore should be attributed significant weight in the determination of this appeal.
7. The appellant has argued that the existing conservatory should be considered as part of the original building. However whilst it has been in place for some 30 years, there is no record of it receiving planning permission. The definition of original building is set down in the Framework ie that a building as it existed on 1 July 1948 or if constructed after that date as originally built. The conservatory forms a later addition to the property and is therefore not part of the original building.
8. The appeal scheme includes a two storey front extension projecting around 2.5 metres forward of the original front wall of the house with a two storey side extension with a single storey element replacing the existing conservatory. Cumulatively the extensions proposed would significantly enlarge the dwelling, changing it from a two bed house to a four bed property. The scale of the proposal would in my view result in a disproportionate addition over and above the size of the original dwelling.
9. The development would therefore fail to accord with the exceptions stated in paragraph 89 of the Framework and would form inappropriate development in the Green Belt. It would also be contrary to Saved Policy D11 of the UDP and Policy PLP57 of the PDL.

Openness

10. Paragraph 79 of the Framework advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the

essential characteristics of Green Belts are their openness and their permanence.

11. I acknowledge that the host property is located in a hamlet of other dwellings and the dwelling is not readily seen from the road. However openness has a spatial aspect as well as a visual aspect. The absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt. Having regard to the scale of the extensions proposed, I find that the appeal scheme would have an adverse impact on the openness of the Green Belt.

Character and appearance

12. Oak Tree House forms an attractive stone built cottage with a traditional built form. The proposed two storey side extension would have a ridge height lower than the original house, resulting in a subservient addition. The extension would be of a modern contemporary design with large areas of glazing on the front elevation at first and ground floor. The single storey ground floor element would have the appearance of a conservatory extension and I am satisfied that this part of the scheme would be acceptable in design terms. I note that the Council raise no objection to this element of the scheme.
13. Turning to the proposed front extension, this would significantly increase the floor area of the house. It would be of such a scale that it would dominate the host dwelling. The front porch feature would be lost and overall the proposal would not respect the traditional character of this small cottage.
14. I acknowledge that the proposed front extension would respect the design of the original dwelling and be constructed in reclaimed stone. Whilst these factors lend support to the scheme, they do not outweigh the harm to the character and appearance of the dwelling due to the overall volume and mass of the front extension.
15. I therefore conclude that the front extension would cause harm to the character and appearance of the host dwelling. The development would be contrary to Saved Policies D11, BE1, BE2, BE13 and BE14 of the Kirklees UDP and Policies PLP24 and 57 of the PDLP. These aim to secure good quality design with extensions respecting the design features of an existing house.

Other considerations

16. I acknowledge that the appeal scheme would extend the existing house adding two bedrooms creating a good size family house. However I am not persuaded that to leave the property at its current size with two bedrooms, would limit the number of potential purchasers. Furthermore there is no substantive evidence that the property would not be maintained or fall into disrepair if the appeal scheme did not proceed.
17. I note the intention to reduce the carbon footprint of the house and use renewable energy sources. Whilst this would weigh in favour of the scheme, it would not outweigh the harm I have identified.
18. The appellant has brought to my attention to other dwellings that have been recently approved in the Green Belt as examples of the application of Green Belt policy in Kirklees. I have not been provided with the full details of these

cases. Moreover they are not completely comparable to the appeal proposal as they relate to new dwellings rather than extensions to existing properties.

Conclusion

19. Paragraph 89 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. The Framework gives substantial weight to such harm and states 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.
20. In this case I have found that the appeal proposal forms inappropriate development in the Green Belt and would cause harm to openness. I have also concluded that the proposal would cause harm to the character and appearance of the host dwelling. The other considerations outlined above do not clearly outweigh the harm in this case and the special circumstances required to justify the approval of the development do not exist.
21. For the reasons given above and having had regard to all other matters raised I dismiss this appeal.

Helen Hockenhull

INSPECTOR

Appeal Decision

Site visit made on 3 July 2018

by Andrew McCormack BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th July 2018

Appeal Ref: APP/Z4718/D/18/3200159

6 The Meadows, Denby Dale, Huddersfield HD9 8TQ

- 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 Andrew Pygott against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2017/62/94118/E, dated 30 November 2017, was refused by notice dated 26 January 2018.
 - The development proposed is two storey side and single storey front and rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I note that the Publication Draft Local Plan for Kirklees (PDLP) is currently under Examination in Public and I have had due regard to its progress through the examination process. As such, given the advanced stage reached by the PDLP, significant weight should be given to its relevant policies. Notwithstanding this, on the basis of the evidence before me, and until such time as the PDLP is adopted, the existing policies within the Kirklees Unitary Development Plan 2007 (UDP) remain part of the statutory development plan against which the proposal should be assessed. Accordingly, I have determined this appeal on that basis.

Main Issues

3. The main issues are the effect of the proposed development on the:
 - character and appearance of the host property and surrounding area; and
 - living conditions of neighbouring occupiers in terms of whether it would be overbearing and with regard to outlook.

Reasons

Character and appearance

4. The appeal relates to a two-storey detached dwelling within a modern residential development consisting of properties predominantly built in artificial stone. The host property has a gable roof finished in concrete tiles and is set back from the public highway on The Meadows. It is accessed by a shared driveway which runs through a small front garden area and passes the front elevations of the neighbouring dwellings at 4 and 8 The Meadows. The property also has a rear garden which provides private amenity space. The boundaries of the host property

consist of hedges and walls which run along the northern edge of the property and fencing along its western and southern edges.

5. Properties in the surrounding area are similar in character and style to the host property with the predominant materials being artificial stone and concrete roof tiles. Surrounding properties provide a mix one and two-storey dwellings in a range of designs and sizes within the local street scene. To the south of the host property are 2 two-storey dwellings at 20 and 22 Inkerman Way (Nos 20 and 22). These have a similar appearance to the appeal property and are positioned on slightly elevated ground above it.
6. From what I have seen and read, cumulatively, the proposed extensions would result in the dwelling being substantially larger in scale and footprint than the existing host property. I note that the proposed rear extension would project beyond the existing rear elevation of the property by more than 3 metres. As such, it would not comply with Policy BE14 of the UDP. Notwithstanding this, I find that the nature of the proposed extensions to the side and rear of the property would be acceptable in terms of their design, height and scale with regard to the character and appearance of the host property. Furthermore, due to the host property being set back from the public highway, I find that the proposed side and rear extensions would not be significantly detrimental to the character and appearance of the surrounding area.
7. The proposed front extension to the host property would project significantly forward of the existing front elevation. Although, the host property is set back from the street and the proposed garage extension would be single storey, I find that it would result in a large garage door predominantly forming the principal elevation of the property when viewed from the highway. This would have a detrimental impact on the street scene. I acknowledge that the neighbouring property at 4 The Meadows has a large garage door facing the public highway. Nevertheless, in that instance the garage door does not, in my view, dominate the front elevation of that property.
8. As a result, I find that the projection, scale and visual impact of the proposed front extension would be significantly harmful to the appearance of the appeal dwelling. Furthermore, the position of the proposed garage would be visually dominant and would result in the host property appearing out of keeping with other dwellings on The Meadows where garages are predominantly set back from main frontages. Therefore, having carefully considered these matters, I find that the proposal would have a substantive harmful effect on the character and appearance of the host property and the surrounding street scene.
9. Consequently, I conclude that the proposed development would have a significant adverse impact on the character and appearance of the host property and the surrounding area. It would therefore be contrary to Policies D2, BE1, BE2 and BE13 of the UDP and relevant guidance within the National Planning Policy Framework (the Framework). Amongst other matters, these policies and guidance seek to ensure that development is of high design quality and its materials, scale, layout and mass respect and have regard to the character and appearance of its surroundings.

Living conditions

10. The Council states that the proposal would have an overbearing impact on the residential amenity of neighbouring occupiers at No.22 and that this would be unacceptably harmful to their living conditions. From the evidence and my observations on site, I find that the proposed two-storey side extension would be

between 9 and 10 metres from the rear elevation of No.22. Whilst No.22 is slightly elevated above the appeal property, I find this unlikely to have any mitigating effect on the overbearing impact of the proposal or its effect on the outlook of the occupiers of No.22.

11. The appellant argues that the occupiers of the adjacent properties at Nos 20 and 22 would only see the side of the proposed two-storey side extension and that only the upper part of the gable wall would be visible above the existing hedge along the shared boundary. I appreciate this and acknowledge that the host property has an existing blank gable wall facing the rear of No.22. Nonetheless, I find that the proposal would result in the blank gable wall being substantively closer to the rear elevation of No.22 and its openings. As a result, notwithstanding the potential extent of the proposal only being visible above the hedged boundary, I find that due to its proximity, the impact of the two-storey element of the scheme would be overbearing and materially detrimental to the outlook of the occupiers of No.22.
12. Having had due regard to the above, and taking account my observations during the site visit, I find that the proposed scheme would be harmful to the residential amenity of neighbouring occupiers at No.22. Moreover, I find there to be no mitigation measures which could be implemented that would suitably and adequately address that harm.
13. Consequently, I conclude that the proposed development would be overbearing and would have a significant adverse impact on the living conditions of the neighbouring occupiers of 22 Inkerman Way with regard to their outlook from the rear their property. Therefore, it would be contrary to Policies D2 and BE14 of the UDP and the relevant guidance within the Framework. Amongst other matters, these policies and guidance seek to ensure that development proposals have no significant adverse effect on the living conditions of neighbouring or future occupiers.

Conclusion

14. The proposed development would increase the amount of living space at the host property and include a workshop and garage. It would use external materials which would be visually in keeping with the character and appearance of the host property and the surrounding area. Furthermore, I have given due consideration to the appellant's point that other properties on The Meadows have undertaken extensions which are positioned in front of windows of neighbouring properties and have been found to have no adverse impact on living conditions of neighbouring occupiers. Notwithstanding this, I do not have full details of those other schemes before me. As such, I give only limited weight to these in my decision making. In any event, I must assess and determine the appeal proposal on its own merits and circumstances and I confirm that I have done so.
15. In addition, I note that the Parish Council has no objection to the scheme. Whilst this may be so, such support has limited weight when considered against all other relevant matters before me. As such, and on balance, I find that the benefits of the scheme would be outweighed by the significant harm I have identified.
16. Therefore, for the above reasons, and having had due regard to all other matters raised, I conclude that the appeal should be dismissed.

Andrew McCormack

INSPECTOR

Appeal Decision

Site visit made on 22 June 2018

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 July 2018

Appeal Ref: APP/Z4718/D/18/3197236

2 Ravens Crescent, Scout Hill, Dewsbury WF13 3QF

- 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 Laquit Hussain against the decision of Kirklees Metropolitan Council.
 - The application Ref 2017/62/93734/E was refused by notice dated 19 December 2017.
 - The development proposed is the erection of a fence.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. The application forms lodged with the Council provide few details of the applicant, the address of the property or the development sought. In those circumstances, the information given in the above heading has been taken from the planning appeal forms, which were completed by the appellant, and the decision notice.
3. The proposed fence is complete. It appears to have been erected in accordance with the plans.

Main issue

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

Reasons

5. The appeal property is a detached dwelling that occupies a prominent corner plot at the junction of Ravens Crescent and Huddersfield Road within a mainly residential area. From what I saw, the boundary treatment of properties in the immediate area to which No 2 belongs varies in type and quality and these primarily include walls, fences, hedges and other planting.
6. The fence in question is of timber construction. It stands above a low-level brick wall along much of the site's frontage to Ravens Crescent and above a traditional stonewall as the appeal property addresses the junction with Huddersfield Road. The considerable length of the appeal fence coupled with its elevated position close to the back edge of the adjacent footway means that the structure is a significant and prominent feature in views from Ravens Crescent, in both directions, and from Huddersfield Road.

7. From these highways, the appeal fence draws the eye as a rather stark, solid, formal barrier. It has a harsh appearance. Furthermore, the length, height and position of the appeal fence causes it to have an unduly imposing presence in the local street scene. It markedly contrasts with the generally lower level and more low-key boundary treatments to properties in the immediate vicinity of the site. For these reasons, the appeal fence appears out of place and, as a result, it is obtrusive. Consequently, the appeal fence has a deleterious effect on the character and appearance of the local area.
8. There are several examples of boundary fences and walls that mark the highway frontages of properties further along Ravens Crescent and other nearby streets and I have carefully noted the cases to which the appellant has referred and provided photographs. With a small number of exceptions, long, tall fences on prominent corner plots were not a strong or prevailing feature of the local area. The exceptions that I saw were largely unattractive, prominent and out of keeping with the appearance of the street scene to which they belong. These cases exemplify the harm to which I have referred and should not be replicated. Consequently, these examples do not set a precedent for the appeal fence nor lend significant weight in support of the appellant's case.
9. On the main issue, I conclude that the appeal fence significantly harms the character and appearance of the local area. Accordingly, it is contrary to Policies D2 and BE1 of the Kirklees Unitary Development Plan and Policy PLP 24 of the Kirklees Publication Draft Local Plan. These policies aim to ensure that development achieves a high standard of design that contributes to a built environment that is visually attractive. It is also at odds with the National Planning Policy Framework, which states that development should respond to local character and add to the overall qualities of an area.
10. I have no doubt that the appeal fence has improved the security and privacy for the appellant's family and created a safer outdoor play space for use by children than would otherwise be the case with just the boundary wall. It has also acts as an acoustic screen and thus reduces the noise from vehicles passing by and parking on the adjacent roads. These are important matters given the personal circumstances of the appellant's family and in dealing with problems such as litter, which is clearly evident from the photographs. These are all important matters that lend support to the appellant's case and need to be weighed in the planning balance. However, these matters do not outweigh the harm that I have identified.

Conclusion

11. For the reasons given above, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR