
Appeal Decision

Site visit made on 13 September 2016

by Philip Major BA(Hons) DipTP MRTPI

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

Decision date: 19 September 2016

Appeal Ref: APP/N4720/D/16/3155633

Rose Cottage, Occupation Lane, Bramhope, Leeds LS16 9HR.

- 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 T Kinvig against the decision of Leeds City Council.
 - The application Ref: 16/00954/FU, dated 12 February 2016, was refused by notice dated 4 April 2016.
 - The development proposed is a single storey extension to the rear and side of the property, demolition and rebuilding of an existing porch, construction of a new front porch and installation of 2 additional first floor windows to the side elevation.
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Decision

1. The appeal is dismissed.

Main Issue(s)

2. The main issues in the appeal are;
 - (a) Whether the proposal would be inappropriate development in the Green Belt;
 - (b) The effect of the proposal on the openness of the Green Belt and the purposes of including land within it;
 - (c) If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations sufficient to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriateness

3. The Appellant accepts that the existing dwelling has already benefitted from disproportionate additions to the original dwelling as measured against the indicative threshold of 30% set out in the Council's Householder Design Guide Supplementary Planning Document (SPD) of 2012. As such it is also accepted that the development now proposed must be considered as inappropriate development in the Green Belt. That is a position with which I agree.
 4. The National Planning Policy Framework (NPPF) sets out that harm by inappropriateness is, by definition, harmful to the Green Belt. The NPPF further indicates that any harm to the Green Belt should attract substantial weight in the consideration of planning applications.
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Openness and Purposes

5. Openness is a fundamental aim of Green Belt policy and is described as one of the 2 essential characteristics of the Green Belt in paragraph 79 of the NPPF. The Appellant is right to draw the distinction between the impact on openness and the impact on character.
6. In this instance the effect of the previous developments at the dwelling have been to significantly extend the property. This further proposal would add more floorspace at ground floor level, principally to the side and wrapping around the rear. Changes to the entrance arrangements and addition of a second small porch would be less significant.
7. I do not agree that the added floorspace proposed can be regarded as 'de minimis'. The sunroom would be a moderately sized room in its own right, and the addition of the section extending northwards would add further ground coverage and mass. I also disagree that the proposal is not in conflict with the SPD assessment criteria for impact on openness. This is because the extensions proposed would have a significant degree of massing and would increase the sprawl of buildings within the site. I accept that the Council has indicated that a separate garden building could be erected on site without the need for planning permission, and that such a building would be likely to reduce openness. However, I have no substantive evidence that such a building would be likely to be constructed.
8. Put simply the proposed extension would be bound to reduce the openness of the Green Belt in this location to a modest degree. Given that the dwelling and its curtilage is in a countryside location it would also encroach into that countryside to a small degree. These findings carry a moderate amount of weight in the planning balance.

Other Considerations

9. The Appellant has set out a number of considerations which should be treated as amounting to the very special circumstances necessary to permit this proposal.
10. I have dealt with the suggestion that the impact on openness is so small as to be minimal – that is a position with which I disagree and I afford this suggestion little weight.
11. There is no dispute between the Appellant and the Council that the impact of the proposal on the character and appearance of both the host dwelling and the locality would be acceptable. I have no reason to disagree with that. There is no conflict with Policies BD6 and GP5 of the development plan in this respect. But in Green Belt policy terms this is a neutral factor in that it does not add to the identified harm. It is not a positive benefit which can be added to the case in favour of the proposal.
12. In view of the fact that the Council has advised that a separate garden building could be built without planning permission the Appellant suggests that it would be possible to impose a condition on any grant of permission which would restrict 'permitted development'. In effect that would 'trade off' the proposed extension for a separate garden building. However, as noted above, I have limited evidence of any intention to build a garden room as a fallback development. In any event the removal of permitted development rights by

condition would only bite in the event of the implementation of the planning permission. In such circumstances any permitted development rights could be implemented first, thus negating the intentions of the condition. For these reasons the suggestion that removing permitted development rights by condition would be a way forward carries little weight.

Other Matters

13. The Appellant has raised some other matters including that the host dwelling is located in an area of similar spacious dwellings, but this has little relevance to the matters at issue in Green Belt policy terms. I also have no knowledge of the details relating to other cases dealt with over the years, and agree that each case must be considered on its particular circumstances; that is what I have done in this instance.

Planning Balance and Conclusions

14. The development would amount to inappropriate development in the Green Belt. This carries substantial weight. There would be some harmful loss of openness which attracts moderate weight. This results in conflict with saved Unitary Development Plan Policy N33, which follows the same trajectory as the NPPF in seeking to ensure that extensions to dwellings in the Green Belt should be limited unless other considerations outweigh any harm. I am similarly satisfied that the Council's SPD follows the thrust of the NPPF in relation to assessing what might be regarded as a disproportionate addition, and the impact on openness, especially as the 30% increase cited in HDG3 is described as a guideline, so enabling a judgement to be made.
15. I have considered whether any of the circumstances brought to my attention are capable of amounting to the very special circumstances required to permit the development. As set out above, the positions relating to loss of openness and restriction of permitted development rights carry little weight. The fact that there would be no harm to character and appearance, and accordance with policy in this respect, does not outweigh the fundamental aim that in the Green Belt openness should be retained. The substantial weight attaching to the harm by inappropriateness, and the moderate weight attaching to the harm by loss of openness, outweigh all other matters. Very special circumstances do not exist in this case.
16. For the reasons given above I conclude that the appeal should be dismissed.

Philip Major

INSPECTOR