
Appeal Decision

Site visit made on 22 November 2016

by Andrew McCormack BSc (Hons) MRTPI

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

Decision date: 12 December 2016

Appeal Ref: APP/N4720/D/16/3156819

Ings House, Linton Road, Wetherby, Leeds LS22 6HD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Bolton against the decision of Leeds City Council.
 - The application Ref 16/01872/FU, dated 22 March 2016, was refused by notice dated 31 May 2016.
 - The development proposed is two storey rear extension, single storey side extension, alterations to existing house and garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The appeal site is within the Green Belt and so the main issues are:
 - whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework (the Framework);
 - the effect of the proposal on the openness of the Green Belt and on the character and appearance of the area; and
 - whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

3. The appeal site is accessed from Linton Road by a private drive which passes a small number of detached properties. The appeal property is a generously sized detached dwelling that is situated at the end of the drive and is set within extensive grounds with good tree cover. The property is positioned on a small escarpment and looks out over public footpaths and a recreation area to the south east. The surrounding area is characterised by detached dwellings of a range of styles and designs set within plots of differing sizes. A Tree Preservation Order (TPO) covers the appeal site and the open Green Belt surrounds the site to the south and east.

Inappropriate development

4. Paragraphs 89 and 90 of the Framework set out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. Alterations or extensions to existing buildings within the Green Belt are
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inappropriate unless, amongst other things, they are not disproportionate additions over and above the size of the original dwelling.

5. Policy N33 of the Leeds Unitary Development Plan Review 2006 (UDP) states that approval for development in the Green Belt will only be given for limited extension, alteration or replacement of existing dwellings. The appellants state that this is not consistent with the Framework and is based on Planning Policy Guidance 2 (PPG2). As such, it is argued that Policy N33 is out of date and should be afforded only limited weight. Notwithstanding this, whilst Policy N33 refers to 'dwellings' rather than 'buildings' and to 'limited extensions' rather than 'disproportionate additions', I am satisfied that its aims and objectives are consistent with the Framework. Therefore, I find that the development plan policy should be given due weight in the determination of this appeal.
6. The Framework provides no guidance on what constitutes a 'limited extension' or 'disproportionate additions'. However, the appellants argue that there is a subtle distinction between the two terms. Whilst I acknowledge the point, I find that there is an inextricable link between the two terms in that both refer to a limitation of development beyond which harm would result. However, it falls to a matter of judgement rather than a definitive line in the sand. As a result, it is helpful to have some indicator of assessment as to where development may be considered to be unacceptable.
7. The Council's Householder Design Guide SPD (HDG) indicates that an increase of about 30% in the total volume of the property over and above the original building is a reasonable interpretation of limited extension. Notwithstanding this, an assessment of the proposal based on volume alone would not be definitive or comprehensive. Other factors such as visual impact, mass, height, scale, siting in relation to the existing property and the extent of development are also important considerations to which I must have due regard and weight. As such, I give the approach in the HDG moderate weight. However, based on the evidence before me and in my view, the approach within the HDG seems to be reasonable and provides a useful indication of the proportion of the overall property which the proposal would constitute.
8. The appellants have undertaken an assessment of volume calculations relating to the appeal property and the proposed development. From this, it is apparent that the existing and proposed extensions combined are in excess of the 30% increase in volume referred to in the HDG. Indeed, the existing extensions alone already appear to have increased the volume of the property to more than 30% over and above of the original building.
9. Based on the appellants' assessment, the proposed development would lead to an overall volume increase, over and above the original building, of about 100%. Furthermore, in my assessment, were the proposal to be considered solely as an addition to the current building, including its existing extensions, it would represent an increase in volume of around 50%. Therefore, it is reasonable to consider that in volume terms the proposal would not be a limited extension, as expressed in Policy N33 of the UDP. Similarly, it would be reasonable to consider that the proposal would be a disproportionate addition to the host property, as set out in paragraph 89 of the Framework.
10. The appellants state that there is a clear distinction between extensions being 'limited' and 'disproportionate' in size. I appreciate the point. However, it is evident from the above that the proposal would be inappropriate development in the Green Belt as it would fail to comply with the Policy N33 by not being limited in size and would also fail to comply with the Framework by being disproportionate.

11. As a result, the proposal would not fall within the categories of buildings or structures allowed for in paragraph 89 the Framework. Nor would it meet the requirements of Policy N33 of the UDP which I find to be consistent with the Framework. Consequently, I conclude that the proposed development would be inappropriate development in the Green Belt.

Effect on openness of the Green Belt

12. A fundamental aim of Green Belt policy, as set out in paragraph 79 of the Framework, is to keep land permanently open. Therefore, openness is an essential characteristic of the Green Belt.
13. The appellants state that the proposed development would not reach beyond any existing visual build lines of the existing property and therefore, there would be no material impact on the openness of the Green Belt. I acknowledge that the proposal would have a limited impact on openness in this regard. However, the increased footprint of the property, its increased visual scale and mass and increase in the overall amount of development across the site would all contribute to the impact on openness. Furthermore, as discussed above, the bulk of the existing property would increase by about 50% through the proposed development. Therefore, I find that as a result of the above, the greater visibility, presence and impact of the property in the wider area would inevitably result in a reduction in the openness of the Green Belt.
14. Consequently, I conclude that the proposed development would lead to a moderate loss of Green Belt openness and therefore would be contrary to Policy HDG3 of the HDG and paragraph 79 of the Framework.

Other considerations

15. The appellants suggest that there is potential for them to take up permitted development rights (PD) for a similar but smaller proposal as a fallback position were this appeal dismissed. It is argued that the only material difference between the PD scheme and the appeal scheme would be the proposed pitched roof over the rear extension. Notwithstanding this, the smaller PD scheme indicates that the appeal scheme would have a greater visual impact on the openness of the Green Belt. I note that the appellants state that the appeal proposal would be of a higher design quality than the PD scheme and that the PD scheme would be less desirable for the appellants to pursue. However, having had regard to these matters, I find that the justification for the appeal proposal with regard to the alternative PD scheme would not amount to the very special circumstances required to clearly outweigh the substantial weight given to inappropriateness and the impact on openness.
16. Furthermore, I note the needs of the appellants' family which, it is stated, require additional accommodation within the existing family home. Whilst I appreciate the importance of this need to those involved, I find that on the basis of what I have seen and read, this would not represent the requisite very special circumstances to outweigh the harm I have identified.

Conclusion

17. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to the harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.

18. Having had regard to all other matters raised, I conclude that the substantial weight to be given to Green Belt harm is not clearly outweighed by other considerations sufficient to demonstrate the very special circumstances necessary to justify the proposal.
19. Consequently, for the reasons given above, and in accordance with national and local policy, the appeal is dismissed.

Andrew McCormack

INSPECTOR