
Appeal Decision

Site visit made on 27 February 2017

by Michael Moffoot DipTP MRTPI DipMgt MCMI

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

Decision date: 6th March 2017

Appeal Ref: APP/N4720/D/16/3162860

The Hollies, Woodlands Drive, Rawdon, Leeds BD10 0NX

- 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 N Butt against the decision of Leeds City Council.
 - The application Ref: 16/03966/FU, dated 23 June 2016, was refused by notice dated 17 August 2016.
 - The development proposed is described as '*resubmission of 16/02133/FU. Two storey side extension and dormer windows to rear of dwelling and detached garage.*'
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Although the description of the proposed development includes reference to a garage, no details are before me for the building. I shall therefore confine my considerations to the proposed two storey side extension and dormer windows.

Main Issues

3. The main issues in this case are:
 - (i) whether the proposal amounts to inappropriate development in the Green Belt for the purposes of the *National Planning Policy Framework* and the development plan;
 - (ii) the effect of the proposal on the openness and the visual amenity of the Green Belt; and
 - (iii) if it 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

Whether the proposal amounts to inappropriate development

4. The Hollies occupies a large, elevated site close to the junction of Apperley Lane and Woodlands Drive on the south side of Rawdon. The existing two-storey dwelling is of coursed stone construction under a tiled roof and has a single-storey wing on the western end and a large conservatory to the front. There is a detached garage and garden room to the rear of the property.
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5. The proposed extension would incorporate the existing single-storey element to form a two-storey addition. It would be set back slightly from the front and rear elevations of the dwelling and feature a lower ridge line. Two pitched roof dormer windows would be inserted in the rear roof of the main building.
6. Paragraph 89 of the *National Planning Policy Framework* ('the Framework') states that the construction of new buildings in the Green Belt should be regarded as inappropriate with the exception of, amongst other things, the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. The Framework does not define what constitutes a disproportionate addition. At local level, Policy N33 of the *Leeds Unitary Development Plan Review* (2006)(UDP) states that except in very special circumstances, approval will only be given in the Leeds Green Belt for limited extension, alteration or replacement of existing dwellings.
7. Policy HDG3 of the HDG¹ states that extensions to dwellings within the Green Belt should represent limited development and should not harm the character, appearance and openness of the Green Belt. In order to be considered 'limited development' all existing and proposed extensions should not exceed a 30% increase over and above the original house volume. Proposals which exceed 30% or harm the character, appearance or openness of the Green Belt will be considered to be inappropriate development and will be resisted unless very special circumstances can be demonstrated. It adds that although the 30% figure is not definitive it will inform the majority of decisions involving Green Belt applications.
8. The Council assumes the 'original building' to be the single and two-storey parts of the dwelling with the exception of the conservatory, which is a later addition. The main parties agree that the cumulative volume of the conservatory and the proposed extension and roof dormers would amount to about 40% over and above the volume of the original building.
9. This would significantly exceed the 30% threshold set out in the HDG and does not comprise a limited extension as provided for in saved Policy N33 of the UDP. As such the proposal would comprise a disproportionate addition over and above the size of the original building. It follows, therefore, that the scheme amounts to inappropriate development which is, by definition, harmful to the Green Belt according to the Framework.

Effect on the openness and the visual amenity of the Green Belt

10. Paragraph 79 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being their openness and permanence.
11. The proposal would lead to a marked increase in built development on the site. Although it would not be highly prominent from public viewpoints, the scheme would result in a reduction in openness of the Green Belt and undermine its purpose to assist in safeguarding the countryside from encroachment.
12. Whilst the new dormers would not be visible, the proposed extension would be observed from Apperley Lane and Woodlands Drive to the south of the site, from where it would be perceived as a sizeable addition to the dwelling.

¹ *Householder Design Guide Supplementary Planning Document* (2012)

However, the proportions, form and design of the proposed extension and the dormers would respect the character of the existing building and matching materials would be employed. As such, there would be no harm to the visual amenity of the Green Belt arising from the proposal and thus no conflict with saved Policy GP5 of the UDP and Policy P10 of the Core Strategy².

13. Nevertheless, I conclude that the proposed development would cause harm to the openness of the Green Belt in conflict with the Framework.

Other considerations

14. I now turn to whether the harm by reason of inappropriateness and loss of openness are clearly outweighed by other considerations. In this respect the appellant has made submissions that I have taken to comprise an argument that very special circumstances exist in this case.
15. It is contended that the proposal would provide additional bed space to assist in the appellant's convalescence and is also necessary to accommodate visiting family members, including his mother who lives at the property for about six months every year. However such personal circumstances will seldom outweigh the more general planning considerations as the extended dwelling will remain long after the circumstances have ceased to be material,
16. Reference is made to a 2003 permission for a larger extension than the appeal scheme. Although former national Green Belt policy guidance was in place at this time, I do not know on what basis the Council resolved to grant permission and am not aware of the local planning policy regime that prevailed when the decision was taken. In any case, the permission has not been implemented, and I have based my decision on the proposal before me and in the light of current national and local planning policies which I have found militate against the development.

The Green Belt balance

17. The proposal amounts to inappropriate development in the Green Belt. Substantial weight is to be attached to such harm according to the Framework. I have also concluded that there would be harm to the openness of the Green Belt. There are no other considerations which clearly outweigh the harm that would arise as a result of the development, and the very special circumstances necessary to justify the proposal do not therefore exist.

Other Matters

18. Whilst not an issue for the Council, a nearby resident has raised concerns regarding the impact of the proposed development on the Rawdon: Cragg Wood Conservation Area. As I have found the proposed extension and dormers to be acceptable in visual amenity terms, I consider that the character and appearance of the Conservation Area would be preserved by the proposal and no harm to this designated heritage asset would arise.
19. Given the oblique angles and separation distances between Elm Lodge and the new dormers, rooflights and first floor windows in the rear of the extended dwelling, no appreciable overlooking of the neighbouring property would arise from the proposal.

² Leeds Core Strategy (2014)

20. Reference is made to development on other sites in the locality. In the case of the garage/swimming pool at Woodlands Grange, this was deemed to be permitted development. The partial demolition and conversion of farm buildings to residential use at Shawhouse Farm was considered by the Council, in the circumstances of the case, to comprise a replacement building as provided for in paragraph 89 of the Framework. I see no clear evidence to take a contrary view. Accordingly, these developments have no bearing on the planning merits of the appeal proposal.

Conclusion

21. For the reasons set out above, I conclude that the proposal is unacceptable and the appeal should fail.

Michael Moffoot

Inspector