



Appeal Decision

Site visit made on 24 July 2017

by Caroline Mulloy BSc (Hons) DipTP MRTPI

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

Decision date: 10th August 2017

Appeal Ref: APP/N4720/D/17/3174367

Haigh Hall, 240 Batley Road, Tingley, Wakefield WF2 0SD

- 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 Peter Hemingway against the decision of Leeds City Council.
 - The application Ref 16/07882/FU, dated 18 December 2016, was refused by notice dated 10 April 2017.
 - The development proposed is described as 'The extension will add 2 additional bedrooms, 3 additional en-suite bathrooms and a larger dining room. A new conservatory will be constructed to replace the existing conservatory which has come to the end of its useful life'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. A plan showing the removal of areas of hardstanding has been submitted in support of the appeal. The Council have no objection to the submission of the amended plan showing the reduced area of hardstanding. It does not fundamentally alter the nature of the proposal and, therefore, the interests of parties would not be prejudiced by accepting it. I have, therefore, determined the appeal on this basis.
3. Reference is also made to the removal of the existing utility room; however, the plan does not show the removal of any permanent structures and consequently, I cannot take it into account in my Decision.

Main Issues

4. The main issues in this case are:
 - Whether or not the proposal is inappropriate development in the Green Belt;
 - The effect of the proposal on the openness of the Green Belt;
 - 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

Whether or not the proposal is inappropriate development in the Green Belt

5. The appeal site comprises of a detached bungalow set within a large plot located south of Batley Road within the Green Belt. It has a gable projection to the front,
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a conservatory to the side and a single storey flat roof projection to the rear. The existing roof space is occupied by two bedrooms. There is a detached double garage to the side of the driveway and a detached outbuilding to the rear.

6. By virtue of paragraph 89 of the National Planning Policy Framework (the Framework) the construction of new buildings in the Green Belt is inappropriate subject to a number of specified exceptions one of which 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.
7. The appellant advises that when the property was purchased there were two brick built outbuildings on site with galvanised tin roofs one of which was used as a garage which was subsequently replaced with the existing garage around 30 years ago. The other outbuilding replaced a building of a similar size 30 years ago. The existing conservatory was added some 20 years ago.
8. Policy N33 of the Leeds Unitary Development Plan (UDP) (Review 2006) states that except in very special circumstances approval will only be given in the Leeds Green Belt for, amongst other things, limited extension, alteration or replacement of existing dwellings. Policy HDG3 of the Council's Householder Design Guide (HDG) Supplementary Planning Document 2012 states that in order to be considered limited development all existing and proposed extensions should not exceed a thirty per cent increase over and above the original house volume.
9. The proposed extension and existing additions would take the cumulative increase well above the 30% threshold. I consider that such an increase in the volume and mass when taken together with the existing extensions would result in disproportionate additions over and above the size of the original building. It, therefore, follows that the proposal is inappropriate development. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very exceptional circumstances. I give this conclusion substantial weight.
10. It is suggested that the proposed extension would add an additional 46m² to the building footprint, an increase of only 27.1% above the existing footprint. However, Policy HDG3 of the HDG refers to the volume of proposed extensions not the floor space.
11. The HDG was adopted after the publication of the National Planning Policy Framework (the Framework) whilst Policy N33 of the UDP precedes it. Although based on previous national policy and notwithstanding the percentage limit, the thrust of the Policy is to avoid disproportionate additions to buildings in accordance with the Framework. It does not, therefore, alter my conclusion that the proposal would be inappropriate development.

Openness of the Green Belt

12. There is no definition of openness in the Framework but, in the Green Belt context, it is generally held to refer to freedom from, or the absence of, development. The essential characteristics of Green Belts are their openness and their permanence and one of the purposes of the Green Belt is to keep land permanently open.
13. The host property is set well back from Batley Road within a good sized plot and is screened by trees to the front and sides, although there is a more open aspect to the rear of the appeal site. Notwithstanding the utilisation of the existing roof space, the significant increase in the property, by virtue of the increased volume, mass and bulk would lead to a loss of openness of the Green Belt.

14. The appellant has submitted a plan showing a reduction in the area of hardstanding and its replacement with grass. However, the reduction in the area of hardstanding would not off-set the increase in the additional mass and bulk and loss of openness which would result from the proposed extensions.
15. I, therefore, conclude that the proposal would lead to a significant loss of Green Belt openness. I give substantial weight to that harm. The proposal would, therefore, be contrary to paragraph 79 of the Framework, Policy N33 of the UDP and Policy HDG3 of the HDG.

Other considerations

16. The appellant considers that the proposals would update the property and make it suitable for a modern family through the provision of additional living accommodation; however, I consider that this could be achieved by other means.
17. Attention is also drawn to the solar farm which has been erected adjacent to the southern boundary of the property. In this case the proposal was for a temporary period of 25 years at which point the solar farm would be decommissioned and it would not, therefore, result in a permanent loss of openness to the Green Belt. Furthermore, very special circumstances in terms of the significant additional renewable energy which the scheme would generate were considered to outweigh the harm that the proposal would cause to the Green Belt by reason of inappropriateness. This case is not, therefore, directly comparable to the appeal proposal which limits the weight which I can attach to it in my Decision.

Conclusion

18. I have concluded that the proposal would be inappropriate development and would, therefore, by definition be harmful to the Green Belt. I have also concluded that the proposal would harm the openness of the Green Belt. Paragraph 88 states that substantial weight should be given to any harm in the Green Belt.
19. Whilst there may be some benefits of the proposal in terms of providing additional living accommodation for the occupiers I consider that the substantial weight to be given to the Green Belt harm is not clearly outweighed either individually or cumulatively by other considerations sufficient to demonstrate very special circumstances. Consequently, the very special circumstances to justify the development do not exist.
20. For the reasons stated above and taking all other considerations into account the appeal should be dismissed.

Caroline Mulloy

INSPECTOR