
Appeal Decision

Site visit made on 17 June 2019

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2019

Appeal Ref: APP/N4720/D/19/3227266

The Bungalow, Springside Farm, Main Street, Hawksworth, Leeds, LS20 8NX

- 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 Robert Grey against the decision of Leeds City Council.
 - The application Ref 19/00389/FU, dated 18th January 2019, was refused by notice dated 19 March 2019.
 - The development proposed is an extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development had already commenced at the time of my visit. This has had no bearing on my decision.

Main Issues

3. The main issues are as follows:
 - whether the proposal would be inappropriate development in the Green Belt;
 - the effect of the development on the openness of the Green Belt; and
 - if the development is inappropriate, 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

Inappropriate development

4. Paragraph 143 of the National Planning Policy Framework (the Framework) makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There are exceptions to this general restriction and paragraph 145 states, amongst other things, that the extension or alteration of a building should not be regarded as inappropriate development in the Green Belt provided it does not result in disproportionate additions over and above the size of the original building.

5. Policy N33 of the Leeds Unitary Development Plan (Review 2006) (UDP) pre-dates the Framework. Paragraph 213 of the Framework states that policies which pre-date the Framework should be given due weight according to their degree of consistency (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). In relation to this particular case, Policy N33 of the UDP is broadly similar to the Framework in terms of restricting development in the Green Belt to, amongst other things, limited extension of existing dwellings. However, the term limited, is potentially more restrictive than the disproportionate addition test set out in the Framework and as such I have given this policy little weight.
6. The Council's Householder Design Guide Supplementary Planning Document (April 2012) (SPD) was also clearly prepared prior to the first publication of the Framework in March 2012. Policy HDG3 states that in order to be considered as limited development all existing and proposed extensions should not exceed a thirty percent increase over and above the original house volume. To my mind a 30% increase would not always necessarily result in a disproportionate addition and I note that the policy continues on to state that development proposals which exceed 30% or which harm the character, appearance or openness of the Green Belt are considered to be inappropriate development. As such I have given this guidance limited weight and have instead based my decision primarily upon the Framework.
7. The appeal property comprises a small detached dwelling, which was allowed on appeal¹ in December 2013. In 2018, the Council granted a certificate of lawful development, which confirmed that the approved dwelling was substantially complete and that the extensions added to either side of it constituted permitted development. The documents attached to the lawful development certificate identify the south facing elevation as being the front.
8. The two side extensions constructed under permitted development rights are substantially complete and almost double the size of the original dwelling. The proposed extension would span the full width of the original front elevation of the dwelling and would be approximately two thirds of the original depth. Although I have not been provided with any detailed calculations, it is quite clear that the proposal, when taken with existing two side extensions, would result in a size increase in excess of 100%.
9. I therefore conclude that the development, when taken with existing extensions to the property, would result in disproportionate additions over and above the size of the original building and as such would constitute inappropriate development in the Green Belt, which would be contrary to paragraph 145 of the Framework. The proposal would also conflict with Policy N33 of the UDP and Policy HDG3 of the SPD, which I have given limited weight in so far as they seek to limit the size of extensions to dwellings in the Green Belt, which is broadly in accordance with the Framework.

Openness

10. Paragraph 133 of the Framework indicates that openness is an essential characteristic of the Green Belt.

¹ APP/N4720/A/13/2197512

11. Although the development proposed, when taken on its own, is relatively small, it would introduce built development where there is currently none (other than the unlawful partially constructed side walls of the proposed development). This together with the previous two side extensions would reduce the open area surrounding the building.
12. Given the small scale of the proposal and its proximity to existing built development, the harm to the openness of the Green Belt and the conflict with the purposes for including land within it, would be limited. Nevertheless, in accordance with paragraph 144 of the Framework I must give substantial weight to any harm to the Green Belt.

Other considerations

13. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
14. The appellant has stated that outbuildings, in the form of a detached garage covering up to 50% of the area of land around the original house and a single storey rear extension, projecting up to the rear boundary, could be built under permitted development rights and would result in greater harm to the openness of the Green Belt. I have not been provided with any plans or a lawful development certificate to demonstrate what the appellant would be minded to construct should the appeal be unsuccessful.
15. Due to the space available at the rear of the property, it does not appear that an extension as large as that proposed at the front could be accommodated. Furthermore, as the site is located downhill from Main Street, the rear boundary comprises a retaining wall, which is approximately one metre high, and above that there is a timber fence and planting that exceeds the height of the dwelling. As such a rear extension would be smaller than that proposed, would infill a small gap, would not be visible outside of the site and thus would be less harmful to the openness of the Green Belt.
16. A garage would not provide the additional living space that the appeal proposal seeks. Moreover, it could not project any further forward than the front elevation of the original dwelling. The size and location of a garage that could be built under permitted development would be somewhat limited and would impact upon the parking and turning space within the site. Given that the vehicular access to and from the site is via a narrow, sloping, unmade track, shared by other properties, reversing out of the site is not a realistic option. Therefore, whilst I acknowledge the possibility of a garage being built to the side of the dwelling under permitted development rights, I find that in this case that is an unrealistic fall-back option that would potentially compromise the dwelling as opposed to providing the additional living space required.
17. I have been referred to an appeal decision² in respect of another development which considered issues relating to inappropriate development in the Green Belt and a fall-back position. However, the Inspector found that that proposal represented an opportunity to significantly improve the appearance of a poorly extended building. In terms of fall-back, the appellants in the cited appeal had the benefit of a lawful development certificate so there was certainty as to

² APP/E2734/D/16/3147300

what could be built and a unilateral undertaking was submitted to ensure that the fall-back position could not be implemented in addition to appeal proposal, prior to its lawful implementation and planning conditions coming into force. For all of these reasons the cited appeal differs significantly from the proposal subject to this appeal and therefore is of little assistance in its determination.

18. In addition to the fall-back position, the appellant states that there would be social benefits in terms of increasing the size of the dwelling to suit a family, which would in turn benefit local community groups. I note that the proposal would not increase the number of bedrooms. In the absence of any evidence of a greater need for larger family housing, as opposed to smaller houses, in this location or of any local groups or clubs requiring the support that a single larger family house may bring, I give this very little weight. I also give very little weight to the very modest economic benefits that would result from the completion of the development.

Green Belt Balance

19. The proposal would amount to inappropriate development as defined by the Framework, which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In addition, the proposal would lead to a further loss of openness to the Green Belt. Substantial weight must be given to the harm to the Green Belt and very special circumstances will not exist unless that harm is clearly outweighed by other considerations.
20. I have attached little weight to the fall-back position on the grounds that the alternative extension would be less harmful, the garage would not provide the living space required and there is nothing before me such as a S106 Unilateral Undertaking that would prevent both the proposed development and the fall-back position from being implemented. I have also given very little weight to the social and economic benefits of the scheme, which would be very modest.
21. The other considerations that have been put forward do not clearly outweigh the substantial weight that I am required to give to the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

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

Rachael Bartlett

INSPECTOR