



Appeal Decision

Site visit made on 5 June 2019

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 August 2019

Appeal Ref: APP/N4720/D/19/3225608

Aran House, Claypit Lane, Ledsham, Leeds, LS25 5LP

- 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 Mark Harrison against the decision of Leeds City Council.
 - The application Ref 18/06474/FU, dated 7 October 2018, was refused by notice dated 15 February 2019.
 - The development proposed is conversion of an existing garage to form a granny annex with a small rear extension to the area of a demolished conservatory.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of an existing garage to form a granny annex with a small rear extension to the area of a demolished conservatory at Aran House, Claypit Lane, Ledsham, Leeds, LS25 5LP in accordance with the terms of the application, Ref 18/06474/FU, dated 7 October 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 red line plan, 1:500 proposed site plan and proposed floor plans and elevations Drg. No. 029/09/2018.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The granny annex hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Aran House.

Preliminary Matters

2. The description of development was changed by the Council from that given in the original application. As this change appears to have been made without the written agreement of the appellant I have used the original description in this decision.

Main Issues

3. The main issue is whether the proposal would be inappropriate development in the Green Belt.

Reasons

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 confirms, 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) is broadly similar to the Framework in that it restricts development in the Green Belt to, amongst other things, limited extension of existing dwellings.
6. Policy HDG3 of the Council's Householder Design Guide Supplementary Planning Document (April 2012) (SPD), which was also clearly prepared prior to the first publication of the Framework in March 2012, 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."* It goes on to state *"Development proposals which exceed thirty percent or which harm the character, appearance or openness of the Green Belt are considered to be inappropriate development."*
7. The supporting text to Policy HDG3 confirms that the thirty percent guideline is not definitive and that it may be possible to improve the viability of a proposal by demolishing existing outbuildings and extensions.
8. The term 'limited', is vague and is potentially more restrictive than the disproportionate additions test set out in the Framework. Furthermore a 30% increase in volume would not necessarily result in disproportionate additions. As such I have given the Council's policies little weight.
9. The appeal site comprises a two storey detached dwelling, with a detached garage that has a conservatory to the rear of it and an office/store room in its roof space. The dwelling and garage are separated by a narrow path. Given the close relationship between these buildings, it would be reasonable to treat the existing garage and conservatory buildings as extensions to the main dwelling. In reaching this view I am mindful of the fact that both the planning application and the appeal have been submitted and determined under the householder procedure.
10. The new extension would have a smaller footprint than the existing extension that it would replace, resulting in less of the Green Belt being built upon. Although the new extension would be higher than the existing one, the additional height would be limited to the pitched roof, which would be no greater than that of the garage and would be viewed in context with the slighter higher main dwelling. I have not been provided with detailed volume calculations for the new extension or for the conservatory it would replace and I am unable to scale accurately from the scanned drawings that have been submitted. However, it appears to me that the volume added in the pitched roof of the new extension would merely displace that removed from the ground floor and would not significantly increase the overall volume of the building.
11. The Council suggest there would be further domestication of the Green Belt, increased domestic paraphernalia and a greater number of cars. There is no evidence to support this view, which I find unlikely given that the proposal relates

to the conversion of an existing domestic outbuilding, within an existing domestic curtilage, to an ancillary use, which would share the same existing garden and parking areas.

12. It is evident from the Council's report that planning permission has been granted for a number of extensions, including the garage and conservatory, which have been implemented and that have substantially increased the size of the original dwelling. The Council's calculations estimate that the extension to the garage, taken with existing extensions to the dwelling, would result in an overall increase of 87%. However, the Council has had no regard to the limited difference in size between the existing conservatory and the proposed replacement extension, which has a negligible impact on the percentage increase.
13. I therefore conclude that the development would accord with paragraph 145(c) of the Framework and would not be inappropriate development in the Green Belt. I also find no conflict with Policy N33 of the UDP, which does not specify how limited an extension in the Green Belt should be or with Policy HDG3 of the SPD, which as well as setting an un-definitive 30% guide, has regard to the removal of existing extensions. Developments falling within the exception listed at paragraph 145(c) of the Framework do not require any consideration of the effect on openness of the Green Belt or the purposes of including land within it.

Other Matters

14. The Council is concerned that the proposed development would result in the creation of a second residential unit on the site and the creation of two separate planning units. Concerns are also raised regarding the use of the existing dwelling as holiday accommodation and the potential creation of a second commercial let. However, none of these matters are currently before me. Planning permission is sought for a granny annex to be used ancillary to a residential dwelling. I have determined the appeal on this basis and a condition could be imposed to ensure certainty as to what has been approved. Should the current owner or any future owner of the site wish to change the use of any buildings, a new planning permission would be required. Should a breach of planning control occur the Council could take enforcement action to remedy this.

Conditions

15. As well as the standard time limit condition, I have imposed a condition to ensure that the replacement extension is constructed in materials to match the existing building in the interests of visual amenity. In the interests of certainty, I have imposed conditions to ensure that the development is carried out in accordance with the approved plans and to ensure that the granny annex remains ancillary to the main dwelling.

Conclusion

16. For the reasons given above I therefore conclude that the appeal should be allowed.

Rachael Bartlett

INSPECTOR