



Appeal Decision

Site visit made on 19 November 2019

by M Seaton DipTP MRTPI

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

Decision date: 29 November 2019

Appeal Ref: APP/N4720/D/19/3237150

15 Low Common, Methley, Leeds, LS26 9AF

- 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 Banham against the decision of Leeds City Council.
 - The application Ref 19/04274/FU, dated 9 July 2019, was refused by notice dated 4 September 2019.
 - The development proposed is a first-floor rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development would amount to inappropriate development for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - the effect on the openness of the Green Belt and the purposes of including land within it;
 - if the development is deemed inappropriate, whether the harm to the Green Belt by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

3. The appeal site is occupied by an extended two-storey semi-detached dwelling and forms part of a group of residential properties set within largely rural surroundings, with open fields to the south and west of the property.

Whether inappropriate development

4. Paragraphs 143-145 of the Framework state 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 any harm to the Green Belt and "very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. However, this is subject to a number of exceptions which are as set out at paragraph 145 and includes at paragraph 145(c) *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.

5. Saved policy N33 of the Leeds Unitary Development Plan Review 2006 (the UDP) seeks to ensure that national Green Belt policy is applied. However, whilst the saved policy is based on previous national policy, it refers to the limited extension, alteration or replacement of existing dwellings as being an exception to the general restraint on development within the Green Belt, which is broadly consistent with paragraph 145(c) of the Framework.
6. The Council has also referred me to HDG3 of the Leeds Householder Design Guide Supplementary Planning Document, April 2012 (the Householder SPD), which addresses householder extensions in the Green Belt in conjunction with saved Policy N33 of the UDP. The guidance sets out that extensions to dwellings within the Green Belt should not harm the character, appearance and openness of the Green Belt, and in order to be considered as limited development and therefore not inappropriate, all existing and proposed extensions should not exceed a 30% increase over and above the original house volume.
7. The Council has calculated the volume of the original dwelling to be approximately 250m³, from which a 30% increase in volume to comply with the UDP and Householder SPD would amount to a further 75m³ of extensions. Given the need to have regard to both existing and proposed extensions, the Council has indicated that the existing extensions to the dwelling already amount to 121m³, which is comfortably in excess of the threshold set out in the Householder SPD, and is approaching a 50% increase over the volume of the original dwelling, even prior to the inclusion of the volume of the proposed first floor extension. I also note that these calculations do not take into account any outbuildings present on the site.
8. On the basis of the Council's calculations and my own observations of the appeal site, it is evident that the cumulative impact of the volume of the existing and proposed extensions would be substantially in excess of the volumetric threshold adopted for residential extensions in the Green Belt as set out in the Householder SPD. In the absence of any detailed contrary submissions from the appellant being placed before me in the submitted evidence disputing the Council's calculations or assumptions regarding the extent of the original dwelling, I see no reason to disagree with the Council's conclusions in this regard. The cumulative size of the existing and proposed extensions to the original dwelling would overall result in a significant increase in the overall size of the resultant dwelling far in excess of the extent of the original dwelling and would therefore be cumulatively disproportionate in their scale.
9. Accordingly, it is my conclusion that the proposed development would not accord with saved Policy NE33 of the UDP, the guidance within the Householder SPD, or with the third bullet point of paragraph 145 of the Framework. The proposed extension would therefore be considered to be inappropriate development within the Green Belt. The Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be permitted except in very special circumstances.

Effect on openness

10. Paragraph 133 of the Framework identifies that openness and permanence are the two essential characteristics of Green Belts. In contrast with the original dwelling and as extended, the proposed development is of a comparatively limited scale and would be read visually in the context of the existing dwelling and would not therefore have a significant adverse effect on the character and appearance of the area. However, from a spatial perspective, the proposal would inevitably have an adverse effect on the openness of the Green Belt, albeit that it would be very limited. Nevertheless, even on a very limited basis the proposed development would further compromise the openness of the Green Belt and would not therefore accord with the Framework in this regard.

Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations

11. I have identified that the scheme would amount to inappropriate development in the Green Belt, and the presumption against inappropriate development means that this harm alone attracts substantial weight. The development would also have a very limited adverse effect on the openness of the Green Belt. The proposal would therefore conflict with the essential characteristics of the Green Belt as set out in the Framework.
12. Notwithstanding the harm identified above, paragraph 144 of the Framework requires decision-makers to have regard to whether there are any other considerations which would clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal, thus amounting to very special circumstances.
13. I have had careful regard to the benefit of the development as advocated by the appellant, and that the proposed extension would facilitate the provision of a bathroom to the first floor accommodation for the elderly owners as a solution to old age and mobility issues. I have no reason to disagree with the appellant's contention in this respect, and I accept that as a material consideration this must carry some limited weight in support of the proposals. No other considerations have been advanced in support of the proposal.
14. Despite the limited weight in support of the proposed development, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

15. For the reasons above, and having regard to all matters before me, the appeal must be dismissed.

M Seaton

INSPECTOR