The Planning Inspectorate

Appeal Decision

Site visit made on 2 December 2019 by C McDonagh BA (Hons), MA

by V Lucas LLB (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 February 2020

Appeal Ref: APP/N4720/d/19/3237859
The Chalet, Wetherby Road, Scarcroft, Leeds, West Yorkshire, LS14 3HJ

- 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 Mike Linter against the decision of Leeds City Council.
- The application Ref 19/01971/FU, dated 18 March 2019, was refused by notice dated 3 July 2019.
- The development proposed is two storey infill extension to rear.

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The description of development in the banner heading above reflects the description used by both the Council in their decision notice and appellant in their appeal form of "*two storey infill extension to rear".* This more accurately describes the development. I have therefore proceeded with the appeal on this basis.

4. During the course of this appeal, the Council has adopted its Core Strategy Selective Review (September 2019). However, no specific policies relating to this particular case from this document have been drawn to my attention. As such, it was not considered necessary to seek additional comments from both parties as it relates to this case.

Main Issues

5. The mains issues in this appeal are:

    - whether the proposed development would amount to inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and the Development Plan;

    - the effect of the proposal on the openness of the Green Belt; and

- Whether the proposal would preserve or enhance the character or appearance of the Scarcroft Conservation Area;
- 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 inappropriate development

6. The appeal site comprises a detached, two-storey dwelling with white rendered facing walls. The house is of 'U-shaped' form, with the gap to the rear between the two projections serving as a courtyard seating area. The proposal entails the infilling of this courtyard with a two-storey, aluminium framed and glass fronted extension with a glazed roof.

7. The Framework establishes that new buildings in the Green Belt are inappropriate except in certain circumstances, including where they involve an extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building as set out in paragraph 145(c). An assessment of whether the proposal would be disproportionate to the original building is a matter of planning judgement and is not defined in the Framework.

8. The site is located within the Green Belt as defined in the Leeds Unitary Development Plan (UDP) (Review 2006). Saved policy N33 of the UDP seeks to ensure that national Green Belt policy is applied. 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.

9. The Council has also referred me to HDG3 of the Leeds Householder Design Guide Supplementary Planning Document (the SPD) (April 2012), which addresses householder extensions in the Green Belt. 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.

10. Evidently, the original house was a bungalow and after numerous expansions, particularly an extension in 2007, its current size exceeds this 30% increase threshold. This figure is not in dispute between the parties and I have no reason to disagree with the Council's conclusions in this regard. Given the scale of the proposed extension over the building's original size, this would represent a disproportionate addition to the property.

11. I note the contention that the extension would represent infill. The Framework's paragraph 145(g) exception relates to infill providing it would not have a greater impact on the openness of the Green Belt than the existing development; or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need.

12. In this case with regard to openness, whilst the proposal would increase the footprint of the building itself, the extension would be largely screened from public view due to its in-filling of an enclosed space. The extension would therefore not have a visual impact upon the openness of the Green Belt. Nonetheless, in spatial terms the development would result in additional built form and increased volume. Despite glass forming most of the structure to allow visual permeability, aluminium framing would also be used. This would increase the overall bulk of development present within the site and thus reduce the spatial openness of the Green Belt. The proposal would therefore be harmful to the openness of the Green Belt.

13. Additionally, the appeal site is within a group of buildings and therefore within a built-up area. The proposal would also be situated on residential garden land and this is specifically excluded from the definition of previously developed land by virtue of the Framework's Annex 2 definition. The proposal would therefore not meet the Framework's paragraph 145(g) exception.

14. Accordingly, I find that the proposed extension would be inappropriate development in the Green Belt. The proposal would therefore conflict with saved Policy N33 of the UDP, the guidance within the Householder SPD and paragraph 145(g) of the Framework. The Framework advises through paragraph 143 that inappropriate development is, by definition, harmful to the Green Belt and should not be permitted except in very special circumstances.

Openness

15. Paragraph 133 of the Framework states that a fundamental aim of Green Belt policy is to keep land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

16. I have concluded in my reasoning above that there would be harm arising from this loss of openness as a consequence of the development proposed. This is in addition to that arising from the inappropriate nature of the development.

Scarcroft Conservation Area

17. The appeal site is located within the Scarcroft Conservation Area (CA). While the Council did not offer this as a reason for refusal, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

18. The appeal site forms part of a cluster of buildings distinctly separate from the main built form of Scarcroft. The development proposes the use of glass framed by aluminium, creating a largely permeable structure visually which would not extend past either of the two extending 'wings' of the property. Given the separation of the site from the main section of the village and a design in keeping with the existing appearance of the building, the proposal would preserve the character and appearance of the CA. It would therefore not conflict with the aims of the Framework, which attaches great weight to the heritage asset's conservation.

Other considerations

19. The Framework states in paragraph 144 that very special circumstances will not exist unless the potential harm to the Green Belt by reason of

inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. I have therefore had regard to the considerations put forward by the appellant.

20. It is contended that the building's shape and orientation comprise the very special circumstances required to outweigh the harm identified. This is regarding the infilling of the U-shape and a lack of visibility from the public domain. Further to this, it is argued the use of glass would also maintain openness. However, as I have already found there would be limited harm to openness and given the previous extensions to the building it is considered the proposal would be inappropriate development in the Green Belt.

21. Further contention is made as to the choice of materials complementing the host property. The Council has raised no objection to the development on the basis of its effect on the character and appearance of the building or wider area. From what I have seen and read I have no reason to come to a different conclusion in this regard. However, I regard this as a neutral matter rather than carrying weight in favour of the scheme.

Whether very special circumstances exist

22. The Framework states that inappropriate development is harmful to the Green Belt and should not be permitted except in very special circumstances. The proposed development would constitute inappropriate development in the Green Belt to which substantial weight is given. Additional weight is given to the harm to openness. The considerations offered in support of the appeal do not clearly outweigh the harm the scheme would cause. Consequently, the very special circumstances needed to justify the proposal do not exist, and the proposal would conflict with the Framework.

Recommendation

23. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

C McDonagh

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

V Lucas

INSPECTOR