
Appeal Decision

Site visit made on 2 January 2020 by Hilary Senior BA(Hons) MCD MRTPI

by Susan Ashworth BA (Hons) BPL MRTPI

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

Decision date: 19th February 2020

Appeal Ref: APP/N4720/D/19/3241374

1 Eversley View, Wetherby Road, Scarcroft, Leeds, LS14 3HP

- 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 Ms Blain against the decision of Leeds City Council.
 - The application Ref 19/02161/FU, dated 5 April 2019, was refused by notice dated 18 October 2019.
 - The development proposed is first floor extension to side and porch to front.
-

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 Matter

3. It appears from all I have read that during the application process the appellant submitted a revised plan to the Council for an extension of a different design. However, this plan is not referred to in the officer's report or decision notice and I cannot be certain that it was taken into account in the decision-making process. Moreover, I cannot be sure that neighbouring residents were notified and given the opportunity to comment on it. Whilst I acknowledge the appellant's effort in attempting to overcome the Council's concerns about the original scheme, in the interests of fairness I have determined the appeal on the basis of the plans as originally submitted and on which the Council based its decision.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of 1 Eversley View, and whether it would preserve or enhance the character or appearance of the Scarcroft Conservation Area.

- whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations and if so, whether this would amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal would be inappropriate development

5. The appeal site, which lies within the designated Leeds Green Belt, is a previously extended brick-built end terrace, with open fields to the side and a treed area to the rear. It is accessed via a narrow lane off the A58 which serves a small number of dwellings. It also lies within the Scarcroft Conservation Area.
6. The proposal is to extend the first floor over an existing flat roofed extension to provide additional living space, along with the construction of a porch to the front elevation.
7. Policy N33, of the Leeds Unitary Development Plan Review 2006 seeks to protect the Green Belt by only allowing limited extension, alteration or replacement of existing dwellings. This policy is not entirely consistent with the more recently published Framework, which consequently carries greater weight in my consideration of the appeal.
8. 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 145c.
9. The Framework does not explain what a disproportionate addition means. An assessment of whether the proposal would be disproportionate to the original building is therefore a matter of planning judgement. The Householder Design Guide Supplementary Planning Document (April 2012) HDG3 indicates that extensions should not exceed a thirty percent increase over the original volume of the dwelling. In this case the original dwelling has been previously extended. Although I have not been provided with mathematical calculations relating to the size of the previous extension, or the volume of the proposal, the appellant accepts that the proposal will represent an extension that cumulatively exceeds the 30% increase in volume and both parties agree that this would be a disproportionate extension to the dwelling. From all I saw on site, I have no reason to disagree with this conclusion.
10. Consequently, the proposal would constitute a disproportionate addition to the dwelling and would not therefore fall within exception set out in paragraph 145c and would therefore be inappropriate development in the Green Belt. In accordance with the paragraph 143 of the Framework inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Effect on openness

11. Paragraph 133 of the Framework states that a fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the

essential characteristics of Green Belts are their openness and their permanence.

12. The proposal would increase the mass and bulk of the building at first floor level as a result of the side extension, and marginally at ground floor level though the addition of a porch. As a result of the increase in built form, the proposal would harm the openness of the Green Belt in spatial terms. Similarly, given that the extension would be visible to the public, it would have a harmful effect on openness in visual terms. However, given that the appeal property is set back from the road with limited public vantage points, and that the proposal would affect only a small part of the Green Belt, its effect in terms of openness would be limited.

Conservation Area

13. The appeal site is located within the Scarcroft Conservation Area (CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
14. The appeal site is located at the end of a short terrace of four properties which has a simple and modest form. It makes a neutral contribution to the conservation area which has a quiet rural character and appearance. The proposed extension would introduce an additional gabled element to the front of the building, the assertiveness of which would be compounded by a substantial irregular shaped window at first floor level. In addition, the simple proportions of the existing gable would be altered by a catslide roof to form the porch. While I acknowledge that the extension would be set down from the ridgeline of the existing building and be constructed in matching materials, it would not respect the design, form or proportions of the original dwelling. It would therefore cause harm to the character and appearance of the original dwelling and terrace as a whole. For these reasons it would also detract from the character of the conservation area.
15. My attention has been drawn to a side extension that has been constructed at the other end of the terrace, to No 4. However, the extension at No.4 is of a different design to that proposed in this instance. Whilst I acknowledge that the proposal would increase massing at one end of the terrace, its modern design would not visually re-balance the appearance of the terrace as a whole. In addition, whilst I acknowledge that the existing single storey extension to No 1 does not reflect the form of the existing building, it nevertheless appears as a simply designed, subservient addition to the building and does not justify the proposal. Accordingly, for these reasons the proposal would not represent a visual benefit to the terrace or the wider heritage asset as suggested.
16. For the above reasons, the proposal would cause harm to the character and appearance of the original dwelling and terrace as a whole. Furthermore, the proposal would neither preserve nor enhance the character or appearance of the conservation area contrary to the requirements of the Act. For these reasons the proposal would conflict with policies P10 and P11 of the Core Strategy, policy BD6 of the saved UPD, HDG1 of the Householder Design Guide Supplementary Planning Document and policy BE3 of the Scarcroft Neighbourhood Development Plan 2018-2033 which together seeks to ensure that development is of a high quality design, respects the historic character of the area and is sympathetic to character to surrounding buildings.

17. The works would affect only part of the conservation area and therefore in terms of the Framework the harm caused to its significance would be less than substantial. The approach in paragraph 196 of the Framework is that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits of the proposal. Whilst the proposal may be of private benefit to the appellant there are no public benefits in this instance.

Very Special Circumstances and Conclusion

18. The development constitutes inappropriate development and would cause additional, albeit limited, harm to the openness of the Green Belt. Whilst I note the appellant's assertion that the proposal would not be contrary to the purposes of the Green Belt and would cause limited physical harm, Paragraph 144 of the Framework states that substantial weight should be given to any harm to the Green Belt. Added to that is the harm caused by the impact of the proposal on the character and appearance of the building, wider terrace and Conservation Area.
19. Other considerations put forward in support of the proposal do not clearly outweigh the harm identified. Therefore, I conclude that the very special circumstances needed to justify the development have not been demonstrated. As such the proposal would conflict with the Framework, and Policy N33 of the Leeds Unitary Development Plan (2006).

Recommendation

20. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

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

Susan Ashworth

INSPECTOR