
Appeal Decision

Site visit made on 3 February 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: 4 March 2020

Appeal Ref: APP/N4720/D/19/3238438

Beechtrees, Swillington Lane, Swillington, Leeds, LS15 4LH

- 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 M O'Grady against the decision of Leeds City Council.
 - The application Ref 19/01798/FU, dated 22 March 2019, was refused by notice dated 11 September 2019.
 - The development proposed is part two storey, part first floor rear extension, Juliette balcony to rear; new first floor window to side (Resubmission).
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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.

Main Issues

3. 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 the host dwelling; and
 - 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

4. The appeal site, which lies within the designated Green Belt, is a previously extended brick-built detached dwelling set in its own grounds with a half hipped slate roof. It is set back from the highway and forms part of a short row of individually designed detached dwellings.

5. 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.
6. 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.
7. 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 Council's Householder Design Guide Supplementary Planning Document (April 2012) (SPD) HDG3 indicates that extensions should not exceed a thirty percent increase over the original volume of the dwelling.
8. In this case the original dwelling has been previously extended by way of a two-storey side/rear extension and conservatory, although there is disagreement between the parties on the extent of the original dwelling. In addition, there is a detached garage within the garden. There is no information before the appeal on the size or volume of the original dwelling, the previous extensions, or the volume or floorspace of the proposal. However, both parties agree that what is now proposed would exceed the 30% limit set out in the SPD and would be a disproportionate extension to the original dwelling.
9. In the absence of measurements which would enable me to draw a conclusion on the increase in volume or floorspace, another way of assessing the matter is to consider the visual impact of the proposal against the appearance of the original dwelling. It seems to me that in this case the bulk and massing of the extension, which would span the entire rear elevation of the original dwelling and extend well above the eaves line, would appear as a very substantial extension to the original dormer bungalow. As such it would appear visually disproportionate to the original building.
10. Consequently, on the basis of all I have seen and read, the proposal would constitute a disproportionate addition to the dwelling and would not therefore fall within exception set out in paragraph 145c of the Framework. It 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. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness and permanence are essential characteristics of the Green Belt
12. The proposal would increase the mass and bulk of the building particularly at first floor level as a result of the rear extension which would have an impact on the spatial openness of the Green Belt. In addition, the proposed first floor extension would be visible from points on Swillington Lane, causing harm to the visual openness of the Green Belt.

13. However, the proposal includes the demolition of the existing detached garage and single storey conservatory. The appellant contends that the volume of these elements is similar to that of the development now proposed and that, taking this into account, there would be a neutral effect on openness. As set out above, no evidence of the volume of these various elements has been submitted. Nevertheless, I acknowledge that as a result of the demolition of these structures, and in terms of the effect of the development on the openness of the Green Belt as a whole, any impact on openness is likely to be limited.

Character and appearance

14. The dwelling has previously been extended with both two and single storey extensions, the two-storey extension having a flat roof. This proposal would add a further first floor element to the building. This would extend the existing two storey flat roofed extension across the full width of the dwelling.
15. Policy HGD1 of the SPD requires proposals to respect the form, scale and proportions of the dwelling and draws particular attention to the roof form. The dwelling has a dominant roof form characterised by a steep and long roof slope to both the front and rear elevations. The existing front dormers and rear extension already obscure part of the roof form but nevertheless the original roof is still apparent at the rear and from one side. The proposed extension would project above the eaves line and obscure the roof slope on the rear elevation. Moreover, the flat roof extension would create a substantial boxy addition to the rear of the property, the form, scale and massing of which would not reflect the character and appearance of the property.
16. The appellant argues that as a result of the demolition of the detached garage and conservatory, the proposal would have a less sprawling form than the existing building. I acknowledge that the proposal would have a uniformity to its appearance. However, the garage does not currently add to the bulk or massing of the house but is read as a separate entity. The conservatory, which is partly glazed, is a visually lightweight structure which again has a limited impact on the appearance of the building. Accordingly, the proposal does not represent a benefit to the appearance of the property.
17. For the reasons set out, the proposal would therefore harm the character and appearance of the host dwelling and would be contrary to Policy P10 of the Leeds Core Strategy, Policy GP5 of the Saved Unitary Development Plan Review (2006), and guidance in the SPD which together seek to ensure that extensions respect the scale, form and proportions of the main building.

Other Considerations

18. The Framework states that 'very special circumstances' will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the development, is clearly outweighed by other considerations.
19. The appellant suggests that permitted development rights for the building of domestic outbuildings within the curtilage could be removed via a condition. However, such a condition would not come into effect until such time as the planning permission was implemented, and until that time the appellant could implement their permitted development rights. As such it would not be effective in limiting the amount of development on site and protecting the

Green Belt and therefore is neutral factor in the planning balance. Moreover, it would be unreasonable to remove permitted development rights in relation to a domestic extension. Such a condition would not therefore meet the tests for conditions set out in the Framework.

20. The appellant refers a planning application where the Council took a different approach to a proposed extension in the Green Belt. It has also been pointed out that dwellings in the immediate vicinity have also been extended. However, I have not been provided with full details of those developments to know the circumstances under which they were approved. In any event I have determined this appeal on site specific circumstances of this case. Accordingly, these other developments carry only limited weight in support of the proposal.

Very Special Circumstances and Conclusion

21. The development constitutes inappropriate development in the Green Belt. Whilst harm to openness would be limited, paragraph 144 of the Framework states that substantial weight should be given to any harm to the Green Belt. In addition to that is the harm to the character and appearance of the dwelling, which carries significant weight against the proposal.
22. As set out above, other considerations put forward in support of the proposal attract limited weight. Consequently, they do not clearly outweigh the substantial harm as set out above. Therefore, I conclude that the very special circumstances needed to justify the development in the Green Belt have not been demonstrated. As such the proposal would conflict with the Framework, and Policy N33 of the Leeds Unitary Development Plan (2006).

Recommendation

23. 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

24. 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