
Appeal Decision

Site visit made on 14 February 2020

by R Cooper BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th May 2020

Appeal Ref: APP/N4720/W/19/3239700

Owl Lodge, Selby Road, Garforth, Leeds LS25 2AQ

- 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 D Schneider against the decision of Leeds City Council.
 - The application Ref 19/03611/FU, dated 10 June 2019, was refused by notice dated 27 August 2019.
 - The development proposed is the change of use and alteration of residential outbuildings to form a new dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Leeds Local Plan Core Strategy Selective Review was adopted on 11th September 2019 and has been afforded full weight in this decision. The main parties have had the opportunity to comment on this.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework;
 - The effect of the proposal on protected trees;
 - The effect of the proposal on living conditions with regard to light, room size and noise;
 - If the proposal would be inappropriate development, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

4. The National Planning Policy Framework (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. In addition, the construction of new buildings should be

regarded as inappropriate in the Green Belt subject to a number of exceptions including those set out in paragraph 145 of the Framework.

5. Paragraph 146 of the Framework also allows for certain other forms of development that are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include d) the re-use of buildings provided that the buildings are of permanent and substantial construction.
6. There is no dispute between the parties that the buildings are of permanent and substantial construction. During my site visit I was also able to access the buildings and could see that they consisted of substantially constructed walls with pitched tiled roofs and concrete floors, and the permanence of the structures was evident. It is therefore appropriate to consider the proposal under paragraph 146 criteria d) which requires me to first assess the effect of the development on openness.
7. Boundary treatments would be required to delineate the plots, separate the rear garden areas, and provide privacy, as well as additional hard surfacing to provide parking and turning areas are also proposed. In my view the additional fences, parked cars and the increase in the general domestic paraphernalia that would be created from the additional dwelling would cause harm to the openness of the Green Belt.
8. Whilst the site is already within the curtilage of an existing dwelling, and activity could be increased to a degree, in my view the introduction of an additional dwelling would alter the context of the site causing greater harm to the Green Belt for the reason given above.
9. Furthermore, the development includes the provision of a new extension to link the existing outbuilding and a store, and the removal of an existing link to Owl Lodge. Whilst the existing link bridges a wider gap, the new extension would be slightly higher, and have a greater overall volume. Therefore, whilst there would be a reduction in footprint, in my view the new extension would have a greater impact on the openness of the Greenbelt.
10. The appellant considers the alterations and extensions to fall under the exceptions of paragraph 145 criteria c). Whilst I accept that they do not result in disproportionate additions over and above the size of the original building. This does not alter my findings with regards to the overall harm caused to the openness of the Green Belt identified above.
11. The officer report considered the proposal against paragraph 145 criteria g) which relates to the limited infilling or the partial or complete redevelopment of previously developed land. Even if the proposal was considered under this criterion, both require consideration of openness in identifying exceptions to inappropriate development. Therefore, it would not alter my findings above.
12. Whilst existing landscaping would be retained to screen the proposal, and the detailed design and appearance of boundary treatments could be conditioned, in my view these would not mitigate the harm to openness I have identified above.
13. Consequently, I find that the proposed development would be inappropriate development in the Green Belt because it would not preserve its the openness.

Effect on Trees

14. To the north and east of the appeal site is a group of trees that are protected by a tree preservation order (TPO). The submitted plans show that the living areas of the dwelling face out onto a garden area adjacent to the group of trees to the north. The proposals include large bi-fold doors serving the combined living and dining room and a secondary window on the west elevation.
15. Whilst I accept the proposal does not directly reflect the Council's Guideline Distances from Development to Trees (2011), in my view the proposed large secondary window combined with the bi-fold doors would provide sufficient daylight and outlook to the living area, I am also satisfied that the snug and kitchen windows facing east would provide sufficient light for the occupiers. Therefore, the proposal is unlikely to result in undue pressure to remove or lop the trees.
16. I accept that the proposed garden area in between the bi-fold doors and the woodland is likely to be partially over shadowed. However, the proposed site plan shows that this forms a relatively small part of the overall garden, there are additional areas away from the canopy of the trees, as well as a large garden to the front which is well screened from the road for privacy. Therefore, it is unlikely to result in undue pressure to remove or lop the trees.
17. I also note that the submitted Arboricultural Impact Assessment (AIA) confirms that no new foundations are required, and I am satisfied that a condition requiring working methods and root protection could be address the potential effects of the construction.
18. Therefore, based on the evidence before me the proposal are unlikely to result on undue pressure to carry out works on the trees, and the proposal would provide sufficient space around the dwelling to the protected the trees, so as to retain them in a healthy condition without adversely affecting the living conditions of future occupiers.
19. Consequently, the proposals would not cause harm to the protected trees, and the proposals accord with saved Policies, GP5, LD1 and N24 of the Leeds Unitary Development Plan Review 2006 (UDP), and Policies P10, P12 and G9 of the Leeds Local Plan Core Strategy Selective Review 2019 (the Core Strategy), which collectively seek to ensure that development protects existing trees, and so that they are retained in a healthy condition.

Effect on Living Conditions

20. The proposed three bedrooms would be located to the front of the property and have windows overlooking the front gardens, whilst the living, dining and kitchen areas would be located to the back of the dwelling, overlooking the rear garden.
21. The proposed large secondary window combined with the bi-fold doors would provide sufficient daylight and outlook to the living area, I am also satisfied that the snug and kitchen windows facing east would provide sufficient light for the occupiers. Furthermore, each of the three bedrooms would have a southern aspect providing ample light.
22. The proposed dwelling would be accessed off and positioned at the end of a shared driveway, and two car parking spaces would be provided directly in

front of the existing Owl Lodge. This would reduce the need for occupiers of Owl Lodge to drive past the proposed new dwelling. Furthermore, in my view the parking to the front of Owl Lodge would be a sufficient distance away from the bedrooms to prevent noise and disturbance from closing car doors, and headlights shining into the rooms.

23. I understand that bedroom 3 would not meet the minimum standard floor area for a double room in the nationally described space standards and Policy H9 of the Core Strategy. However, the proposed dwelling would have at least one double (or twin) sized bedroom. I am therefore satisfied that the proposal meets the relevant standards in this regard.
24. Consequently, I find that the proposal would not harm living conditions. As such it would accord with Policy P10 of the Core Strategy, and saved Policies GP5 and BD5 of the UDP, which collectively seek to ensure that new development makes provision for the basic living conditions required by future occupants.

Other considerations

25. The Council has approved other similar conversions in the Green Belt, although I have not been provided with the full details of these and, as such, I can attach little weight. In any event, I am required to reach conclusions based on the individual circumstances of this appeal.
26. The proposal would make a limited contribution to housing land supply and would be well located in terms of provision to services and public transport links. However, the weight to attach to this is limited given the proposal is for one house only.

Overall Balance

27. The proposal would be inappropriate development in the Green Belt as it would not preserve its openness thereby conflicting with the purposes of including land within it.
28. The Framework states that inappropriate development should not be approved except in very special circumstances. These 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.
29. As set out in the Framework substantial weight must be given to the any harm to the Green Belt. This harm would not be clearly outweighed by the other considerations set out above so as to amount to the very special circumstances required to justify the proposal.

Conclusion

30. For the reasons given above, the appeal is dismissed.

R Cooper

INSPECTOR