



Appeal Decision

Site visit made on 25 June 2020

by C Dillon BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2020

Appeal Ref: APP/N4720/D/20/3251677

10, Church Lane, Tingley, Wakefield WF3 1BQ

- 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 Auty against the decision of Leeds City Council.
 - The application Ref 19/07905/FU, dated 23 December 2019, was refused by notice dated 17 February 2020.
 - The development proposed is a two storey rear extension to existing dwelling.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by the appellant, Mr Auty against Leeds City Council. This application is the subject of a separate decision.

Main Issues

3. The main issues are:
 - Whether or not the appeal proposal would constitute inappropriate development in the terms of the National Planning Policy Framework and any relevant development plan policies,
 - The implications on the openness of the Green Belt;
 - The effect of the appeal proposal on the character and appearance of the host building with particular regard to scale, form and design; and
 - Should the appeal proposal constitute inappropriate development, whether any harm by reason of inappropriateness, and any other harm, would be clearly out-weighted by other considerations, so as to amount to the very special circumstances required to justify it.

Reasons

Whether or not the development would be inappropriate

4. The appeal site is located within the Leeds Green Belt. Policy N33 of the 'Leeds Unitary Development Plan Review Volume 1: Written Statement (adopted July 2006)' states that except in very special circumstances approval will only be given in the Leeds Green Belt for certain developments which are listed in the policy as exceptions. One such exception which is relevant to the appeal

proposal is the limited extension, alteration or replacement of existing dwellings.

5. The fundamental aim of the National Planning Policy Framework (the Framework) is to keep Green Belt land permanently open. The Framework makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Furthermore, and similarly to the development plan, it states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, although it sets out a series of exceptions. One such exception which is relevant to this appeal proposal is 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.
6. Accordingly, I find that Policy N33 is consistent with more recent national Green Belt policy and remains up-to-date.
7. In terms of assessing the proportionality of the proposal in relation to its host, the Council has relied upon a guideline of a 30% increase over and above an original building, as specified in HDG3 of its 'Householder Design Guide Leeds Local Development Framework Supplementary Planning Document (April 2012)'. Although that document acknowledges that this is not a definitive figure it states that it is a strong indicator as to the acceptability of a proposal. Given the evidence before me, I have no reason to deviate from this as a reasonable guideline to assess the proportionality of the appeal proposal.
8. It is on that basis that the Council has submitted that the appeal proposal and previous conservatory extension to be retained would increase the size of the original building by some 67%. I agree with their general assessment that the appeal proposal would far exceed that 30% guideline. Furthermore, an allowance for the existing single storey porch and kitchen that would be demolished would not sufficiently reduce that increase in relation to that guideline. Therefore, I find that the appeal proposal would not, for the purposes of Policy N33, represent a limited extension of the original dwelling. Furthermore, I find that the appeal proposal would be disproportionate in the terms of paragraph 145 of the Framework and would not represent any of the exceptions cited.
9. Accordingly, I find that the appeal proposal would constitute inappropriate development. Therefore, the appeal proposal is contrary to both Policy N33 and the Framework.

Openness

10. One of the essential characteristics of Green Belt is its openness. The appeal site is located within large grounds on an exposed, elevated edge of Tingley. This means that it is clearly visible within the context of the wider Green Belt, particularly from medium and longer distance vantage points. Despite the numerous existing out-buildings within the site and the boundary enclosure along its western edge, a high proportion of the site is devoid of built form. This distinguishes the appeal site from the denser pattern of built development that is characteristic of the settlement. Consequently, I find that the openness of the Green Belt is clearly evident around the host dwelling, as part of that wider designated area and the appeal site contributes accordingly.

11. The appeal proposal would, in terms of proportionality, add substantially to the overall bulk of this existing property. The effect upon openness that would be directly attributable to the appeal scheme would, because of its nature, be small in itself. Nonetheless, I find that the proposed extension would not preserve the openness of the Green Belt either spatially or visually. Rather, the appeal proposal would have a greater impact on the openness of the Green Belt than the existing form. In these particular circumstances, I find that the reduction in openness would constitute moderate harm.
12. Accordingly, the appeal proposal would conflict with both Policy N33 and the Framework in this regard.

Character and Appearance

13. The host dwelling is simple in its design and very modest in size. The latter is partly due to its limited depth, which gives rise to gable ends of noticeably small scale proportions. Although not associated with a designated heritage asset, I observed this to be a notable characteristic which, in part, defines the distinctiveness of the local area. This full width appeal proposal would result in these being subsumed into substantially wider gable ends and the very modest area of rear roof slope would be significantly increased. The angle of the resulting rear roof slope would be significantly shallower than the existing roof form, unlike similar roof forms in the area. Collectively, these design elements would not be sympathetic to the original modest scale and simple form of the host building and would not be consistent with its character and appearance.
14. Furthermore, I observed that the insubordinate and discordant consequence of this particular design option would be unduly apparent from a variety of public vantage points between buildings within Church Lane and routes through the open countryside beyond.
15. HDG1 of the Council's guidance sets out general design principles which supplement the development plan. It states that all extensions, additions and alterations should respect the scale, form, proportions, character and appearance of the main dwelling and the locality. Extensions or alterations which harm the character and appearance of the main dwelling will be resisted. For the reasons given, I find that the appeal proposal would not accord with this supplementary guidance.
16. I find that the appeal proposal would constitute significant harm to the character and appearance of the host property with particular regard to scale, form and design.
17. Policy P10 states that alterations to existing buildings should provide good design that is appropriate to its location, scale and function. Developments should, amongst things, respect and enhance existing buildings and wider setting of the place. Support will be given where the size, scale, design and layout are appropriate to its context and respects character and quality. Policy BD6 states that all alterations and extensions should respect the scale, form and details of the original building. As such, the appeal proposal would conflict with Policy P10 and Policy BD6 of the Unitary Development Plan.

Other Considerations

18. My attention has been drawn to a potential fallback position for the construction of a different form of development which benefits from a

Certificate of Proposed Lawful Development (Ref 19/05707/CLP). I am satisfied that this has a realistic prospect of taking place. It has been advanced by the appellant that this alternative scheme would have a greater impact on the Green Belt than the appeal development and therefore, its existence should amount to very special circumstances that would justify this appeal to succeed. However, I note that the Officer Report was silent in respect to assessing the fallback position.

19. It is evident that this alternative scheme would be slightly larger in volume than the appeal proposal. However, visually, I find that due to its dual apex roof design, which mirrors the height, form, scale and pitch of the existing roof structure, the fallback scheme would provide for a more compact form of development that would convey subordination and lesser bulk than the appeal proposal. Therefore, the fallback scheme would have a lesser impact upon the openness of the Green Belt in comparison to the appeal proposal. For this reason, I attribute limited weight to the fallback position advanced as a means to justify what I have assessed would represent a more harmful proposal overall within the Green Belt taken as a whole.
20. The appellant has submitted that the appeal proposal would be compliant with the relevant development plan policies. I have no cause to disagree that the proposal would meet elements of Policy P10 in terms of cycle and waste storage, safety and accessibility. Nonetheless, as I have set out earlier, I have found harm which represents other conflict with this and other policies. Furthermore, Policy GP5 requires proposals to resolve detailed planning considerations, including design. Although not cited in the decision notice, contrary to the appellant's view, the appeal proposal is in conflict with that policy given the harm that I have found.
21. In addition to the foregoing matters, I have taken into account the appellant's wider evidence regarding potential maintenance difficulties which he associates with a twin ridge and valley roof design and, also the need for the development to meet family requirements. I am sympathetic to these circumstances. However, bearing in mind the harm that I have identified and that the appeal proposal is for permanent development, the weight attributable to these is limited. I also note the absence of third party objections as referred to by the appellant. No further other considerations which might amount to very special circumstances have been advanced.

Overall planning balance

22. The appeal proposal would constitute inappropriate development within the terms set out in the Framework. It would be harmful to the Green Belt by virtue of its inappropriateness. Furthermore, it would cause moderate harm to the openness of the Green Belt. In accordance with paragraph 144 of the Framework I attribute substantial weight to this harm. Furthermore, I have found significant harm to the character and appearance of the host dwelling. Accordingly, the totality of the harm identified is not clearly out-weighted by the other considerations that have been advanced. Having taken into account all other considerations presented to me I do not find that they amount to very special circumstances.
23. I have found that the appeal proposal would impose harm which would be in conflict with Policy N33, Policy P10 and Policy BD6 of the development plan. The conflict with the development plan, when read as a whole, is of such a

nature and degree that it would not be out-weighted by other planning considerations.

Conclusion

24. For the reasons given, I conclude that this appeal should be dismissed.

C Dillon

INSPECTOR