



Appeal Decision

Site visit made on 30 November 2020 by Darren Ellis MPlan

Decision by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 January 2021

Appeal Ref: APP/N4720/D/20/3262294

Chestnut House, 2 Woodland Gardens, Scarcroft, Leeds LS14 3HL

- 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 Mrs Jabeengul Khan against the decision of Leeds City Council.
 - The application Ref 20/02200/FU, dated 10 April 2020, was refused by notice dated 24 September 2020.
 - The development proposed is a two storey side extension with balcony to first floor; single storey rear extension; replacement garage; Juliet balcony to front and replacement windows.
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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.

Procedural Matter

3. The description of the proposed development on the application form included a front porch which was subsequently removed from the proposed scheme. In the banner heading above, I have therefore used the description from the appeal form and decision notice, which provides a more accurate description of the proposed development.

Main Issues

4. The appeal site is within the Green Belt and the Scarcroft Conservation Area (CA), and so the main issues are:
 - Whether the proposal would be inappropriate development for the purposes of development plan policy and the National Planning Policy Framework;
 - The effect of the proposal on the openness of the Green Belt;
 - Whether the proposal preserves or enhances the character or appearance of the CA; and
 - If the proposal would be 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 it.
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Reasons for the Recommendation

Whether the proposal would be inappropriate development

5. The National Planning Policy Framework (the Framework) establishes that new buildings in the Green Belt are inappropriate except in certain circumstances, including where they involve the extension of an existing building. This is provided that the extension does not result in a disproportionate addition over and above the size of the original building. The Framework defines 'original building' as 'a building as it existed on 1 July 1948, or, if constructed after 1 July 1948, as it was built originally.' It does not however define 'disproportionate'.
6. Policy N33 of the Leeds Unitary Development Plan (Review) 2006 (UDP) is consistent with the Framework in that it seeks to protect the Green Belt but allows limited extensions to existing dwellings. Policy HDG3 of the Householder Design Guide 2012 (HDG) defines a 'limited' extension as not increasing the volume of the original dwelling by more than 30%.
7. The appeal property is a two-storey detached dwelling in a cluster of dwellings sited on large plots, situated off the A58 Wetherby Road. The proposed development would see the erection of a two-storey side extension and single-storey rear extension to the dwelling, the removal of the existing conservatory, side porch and a bay window, and the demolition of the existing detached garage and its replacement with a new garage.
8. According to the appellant's calculations in the Design & Access Statement, the original dwelling has previously been extended by 31% of the original volume and the proposal before me would add a further 46% of the volume of the original dwelling, taking account of those elements to be removed. The Council though consider that the proposed extensions would be 62% above the volume of the original building. Although the threshold figure in Policy HDG3 is only guidance, the proposal, using either the appellant's or Council's figures, would exceed it considerably. The development would therefore not be considered as limited as defined in Policy HDG3.
9. My attention has been drawn to *Surrey Homes Limited v Secretary of State for Environment (unreported) CO/1273/2000, BAILII: [2000] EWHC 633 (Admin)* which considers how to determine if something is deemed to be 'materially larger.' However, the Framework only refers to 'materially larger' with regards to replacement buildings in the Green Belt. Policy N33, Policy HDG3 and the Framework do not refer to the phrase 'materially larger' in respect of extensions to dwellings in the Green Belt.
10. Nevertheless, in this particular circumstance, although the two storey extension would be concentrated on one side of the property, which is in a large plot, its height width and depth, together with the other additions means that the resultant dwelling would have a significantly greater bulk and mass than the original building, even taking into account those structures to be removed.
11. Therefore, I am satisfied, as a matter of judgement and despite the elements that would be demolished, that the additions to the original building would be disproportionate in the context of the Framework and Policy N33 of the UDP.
12. The proposal would therefore be inappropriate development which is, by definition, harmful to the Green Belt.

Openness

13. Openness is an essential characteristic of the Green Belt. The Planning Practice Guidance states that openness is capable of having both spatial and visible aspects, so that both the visual impact of the proposal and its volume may be relevant¹. The demolition of the conservatory and the smaller proposed garage would result in a limited increase in openness. However, this would be outweighed by the significant increase to the visual and spatial bulk of the building by the proposed side and rear extensions which would considerably erode openness.
14. The proposed two-storey extension would be constructed in between the existing dwelling and the garage that is currently used for car parking and would not encroach on the existing garden area. However, there is significant space to both sides of the property and as such an extension of the size proposed would have the same impact on openness regardless of which side of the dwelling it is constructed.
15. For the above reasons, I conclude that the proposal would result in an overall reduction in the openness of the Green Belt. This would cause moderate harm to the openness of the Green Belt and is in addition to the harm by reason of its inappropriateness.

Character and Appearance of the Conservation Area

16. The cluster of dwellings is characterised by large properties with a mix of traditional designs, some with well-proportioned and subservient off-shoots, and set in spacious grounds which creates a semi-rural character that contributes to the significance of the CA.
17. The proposed two-storey extension would project 6m to the side and would match the height and width of the existing property creating an addition of considerable bulk and mass that would not be subservient to the property. The roof form of the extension and proposed exterior materials would match the existing property and the existing conservatory would be removed. However, the proposed front balcony would appear as an awkward addition that would not satisfactorily integrate with the design and form of the original dwelling. Overall, the proposal would fail to respect the scale, massing and design of the existing dwelling and would be at odds with the subservient off-shoots to neighbouring properties.
18. Although the proposed extensions would have very limited visibility from the main road, the Council states that the track immediately to the south of the appeal site is a public footpath. I saw that the proposed extensions would be visible from this footpath, particularly during the winter months when some of the vegetation on the site boundary has shed its leaves. As the extensions would be visible from a public footpath and given the lack of subservience of the two storey addition, the proposal would detract from the character and appearance of the CA.
19. The proposal would also result in the removal of a mature silver birch tree sited to the front of the existing garage. The submitted Tree Survey (TS) indicates that while the tree is in good condition and has a lengthy life expectation it is causing damage to the garage. It therefore recommends it be removed.

¹ Planning Practice Guidance, Paragraph: 001 Reference ID: 64-001-20190722

However, the revised plans show the existing garage would be removed and the new smaller garage would be sited away from the tree, and as such the reason for its removal within the TS would no longer exist.

20. The tree is visible from Wetherby Road and when approaching the dwelling along the driveway, and it contributes positively to the mature landscaping and the semi-rural character of the area. The loss of the tree would therefore detract from the character and appearance of the CA.
21. Paragraph 193 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. In this instance I find the harm to the significance of the CA to be less than substantial in this instance but nevertheless of considerable importance and weight. Under such circumstances, paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
22. There would be a small benefit in the removal of the conservatory and other elements which are not considered to add to the aesthetical value of the property. However, this limited benefit would not be sufficient to outweigh the harm I have found to the significance of the CA.
23. For the reasons above, I conclude that the proposal would conflict with Policy P10 of the Leeds Core Strategy 2014 (CS) and Policy BD6 of the UDP which require the size, scale, design of alterations and extensions to respect the original building, and Policy P11 of the CS and N19 of the UDP which require developments in Conservation Areas to preserve or enhance the character or appearance of the area. The proposal would also conflict with Policy N20 of the UDP, which states that the removal of trees that contribute to the character the CA will be resisted.

Planning balance and Conclusion

24. The development causes harm to the Green Belt by way of its inappropriateness and to its openness, and the Framework establishes that substantial weight should be given to any harm to the Green Belt.
25. The Framework states that development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. No considerations have been put forwards by the appellant, although the proposal would result in the increase in habitable space in the appeal dwelling. However, the harm that would be caused to the Green Belt in addition to the harm that would be caused to the character and appearance of the CA is not clearly outweighed by any private benefits to the scheme. Consequently, very special circumstances do not exist.
26. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

D Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

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

Zoe Raygen

INSPECTOR