



Appeal Decision

Site Visit made on 29 July 2021

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 August 2021

Appeal Ref: APP/N4720/D/21/3273926

6 Hetchell View, Bardsey, Leeds LS17 9DJ

- 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 & Mrs Chris & Kim Turner against the decision of Leeds City Council.
 - The application Ref 21/00137/FU, dated 17 December 2020, was refused by notice dated 4 March 2021.
 - The development proposed is Two storey side extension; porch to front.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development detailed in the banner heading above is taken from the appeal form. While it is indicated that the description of development had not changed from that stated on the application form a different description has been entered matching that used by the Council and omitting reference to a single storey rear extension that does not appear on the submitted plans. I have used this description of development because it more accurately describes the development proposed.

Main Issue

3. The site is within the Green Belt and so 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 of the proposal on the openness of the Green Belt
 - : 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.

Reasons

4. The appeal property is a typical suburban semi-detached property, located within a cul-de-sac of similar properties that are distinctly separated from the neighbouring settlement.

5. The Framework identifies that the 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. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. The Framework states that the construction of new buildings should be regarded as inappropriate development in the Green Belt, subject to a number of exceptions. The relevant exception in this instance is c) 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.
7. Saved Policy N33 of the Leeds UDP Review (the UDP), details criteria for development in the greenbelt that is broadly in accordance with relevant national policy.
8. In relation to exception c), the Framework and Policy N33 of the UDP do not provide a definition of what constitutes limited or a disproportionate addition over and above the size of the original building. In the determination of the application the Council used guidance within its Householder Design Guide Supplementary Planning Document (the SPD).
9. The SPD requires that extensions should "represent limited development and should not harm the character, appearance and openness of the Green Belt" and that "In order to be considered as limited development all existing and proposed extensions should not exceed a thirty percent increase over and above the original house volume."
10. The Appellant details that "The proposed extensions are an additional 32 sq M at ground floor level and 26 sq M at first floor level. Relatively modest in terms of floor area, but by volume the total addition is approximately 75%". clearly, this is in excess of the levels identified in the SPD.
11. In considering what constitutes a disproportionate addition it is also necessary to consider the scale, bulk, massing and built form that would result from the changes sought. In this instance the additional built form proposed by this appeal is shown on the submitted plans as being substantial in and of itself and in proportion to the existing dwelling.
12. I therefore find that the appeal scheme does not benefit from exception c) of the Framework and is therefore inappropriate development in the Green Belt. Furthermore, the appeal scheme is contrary to Saved Policy N33 of the UDP and the guidance set out in the SPD.

Openness

13. Openness is an essential characteristic of the Green Belt. The appeal site and proposed extension is situated in an elevated position and thus is visible and appears prominently from the road, adjacent dwellings and the surrounding area. However, while the extensions are shown on the submitted plans as being a disproportionate addition to the dwelling, it is nonetheless still domestic in scale and appearance. In that the bulk of the building would be increased by additional built development the proposal would reduce the openness of the Green Belt. However, in isolation, the loss of openness would be minimal.

Other Considerations

14. The Appellant has referred to, and I saw at the site visit, that the attached and other neighbouring properties have been subject to similarly sized extensions in the past. While I have not been provided with all the details of the policies and circumstances that applied at the time that these extensions were granted planning permission the Council details that they pre-dated the current policies and guidance.
15. The appellant has referred to the extension as being the “minimum level of accommodation that could reasonably be expected for an average sized family home” but no detailed or evidence has been provided to substantiate this assertion. The benefit of larger accommodation is primarily a private one.
16. In these circumstances I give some weight to the precedent set by existing developments and the benefit that the larger accommodation would bring to the Appellant.

Conclusions

17. The proposed development would be inappropriate development and the Framework establishes that substantial weight should be given to any harm to the Green Belt. In addition, there would be a minimal loss of openness.
18. On the other hand, the appeal scheme is not dissimilar to other extensions in the area and would provide a larger family home for the Appellant. However, these other considerations do not clearly outweigh the totality of harm which is the test that they have to meet. Consequently, very special circumstances do not exist. For the reasons given the overall conclusion is therefore that the appeal should fail.

Mr M Brooker

INSPECTOR