
Appeal Decision

Site visit made on 5 April 2022

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th April 2022

Appeal Ref: APP/N4720/W/22/3291171
103 Rodley Lane, Rodley, Leeds LS28 5QH

- 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 G Barker against the decision of Leeds City Council.
 - The application Ref 21/03050/FU, dated 6 April 2021, was refused by notice dated 4 October 2021.
 - The development proposed is demolition of the existing dwellinghouse, detached outbuilding and summerhouse. Erection of replacement 4-bedroom two storey dwelling, with integral garage/workshop.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the proposal has been altered slightly from the application form to the decision notice. That on the application form, however, adequately describes the proposal and I have determined the appeal on this basis.
3. The Council consider that the proposal would not represent inappropriate development within the Green Belt. However, I consider that the matter is of importance and that I need to treat this as a main issue. Accordingly, the appellant has been asked for and supplied their views on inappropriateness in relation to the scheme before me.

Main Issues

4. The main issues therefore are:
 - i. 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;
 - ii. the effect of the proposal on the openness of the Green Belt;
 - iii. the effect of the proposal on the setting of the grade II listed The Grange and on the character and appearance of the Calverley Conservation Area (the Conservation Area); and
 - iv. if the proposal is 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 the development.

Reasons

Whether inappropriate development

5. The Framework¹ at paragraph 149 establishes that the construction of new buildings within the Green Belt should be regarded as inappropriate other than under certain exceptions. One such exception is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
6. Policy N33 of the Leeds Unitary Development Plan Review (2006) (UDP) seeks to protect the Leeds Green Belt. In that respect its aims are consistent with the Framework. It outlines that only certain types of development would be acceptable within the Green Belt except in very special circumstances. One such type of development is the replacement of existing dwellings.
7. However, the policy does not seem to specify the size of the replacement dwelling that would be acceptable. In this respect it therefore lacks consistency with the Framework and should be afforded only limited weight in relation to this particular case. I have afforded significant weight to the requirements of the Framework with regard to the Green Belt approach.
8. The appellant acknowledges that the replacement dwelling would be materially larger than that which it would replace given the indicated volume of 1538m³ compared to the existing volume of 776.45m³. I have no reason to disagree even accounting for the outbuildings that would be demolished and not recreated elsewhere on the site.
9. The replacement dwelling would therefore form inappropriate development within the Green Belt.

Effect on openness

10. A fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. One of the purposes of the Green Belt is to assist in safeguarding the countryside from encroachment. The essential characteristics of Green Belts are their openness and their permanence. The assessment of openness requires a consideration of both spatial and visual aspects.
11. The existing building sits quietly on the site and is of single storey form with a pitched roof of limited bulk. However, the proposed dwelling would be of two storey construction, with a pitched roof.
12. Whilst it is clear from the design that attempts have been made to minimise the height of the dwelling, through the inclusion of a shallow pitch on the roof, significant volume would be added. The volume of the replacement dwelling at first floor level and upwards would be increased substantially over the existing situation and the additional bulk at this height would be clearly apparent and visible from outside of the site within both public and private views.
13. To conclude on this matter there would therefore be a harmful loss of openness to the Green Belt in terms of both spatial and visual aspects which would conflict with the aims of the Framework with regards to the management of Green Belts.

¹ National Planning Policy Framework 2021.

Setting of listed building/Conservation Area

14. The Grange appears to have been subdivided and other dwellings have been developed within its former grounds. However, these grounds still have importance in terms of their visual, functional and historic contribution to the setting of The Grange and its possible associations with a prosperous individual connected with the woollen industry, formerly prominent within the area. The Grange, by reason of its size and presence, retains its prominence over the former grounds as the principal building alluding to the former grandeur and wealth associated with The Grange.
15. Sitting within the former grounds, the existing dwelling has a quiet presence. By reason of its single storey height and the presence of various forms of boundary treatment, from many surrounding viewpoints, little more can be made out of the dwelling than its roof-slopes. Therefore, the existing dwelling makes a neutral contribution to the setting of The Grange.
16. However, regardless of the quality of materials proposed within the new dwelling and its slight set back compared to the position of the existing dwelling, the increased prominence, along with the somewhat grand design of the replacement dwelling would make it more visible and noticeable from outside of the appeal site. In this sense, it would visually compete for prominence on the site with The Grange. As a result, it would erode the legibility of The Grange as the principle building within its former grounds.
17. The proposal would therefore have a harmful impact on the significance of the heritage asset and would fail to preserve the setting of the listed building.
18. The significance of this part of the Conservation Area is partly based on its association with the former growing significance of the woollen industry within the village. For much the same reasons as the proposal would harm the setting of The Grange, the proposal would have a harmful impact on the significance of the Conservation Area through the erosion of its legibility and would therefore fail to preserve its character and appearance.
19. The harm to the significance of the listed building and Conservation Area would be less than substantial. This harm should be weighed against the public benefits of the proposal.
20. The appellant has drawn to my attention to a certificate of lawful development (CLD) for proposed works relating to a rear extension to the existing house, along with the provision of a detached garage and a detached workshop as a fall-back position.
21. However, even were this scheme to be implemented, given their single storey design, and likely limited visibility from outside of the site these proposals would not have the same harmful impacts on the setting of The Grange and the character and appearance of the Conservation Area. There could be some limited public benefits in a reduction in carbon emissions and energy demand of the new dwelling than would be associated with the fallback position.
22. The proposal would conflict with policies P10 and P11 of the Leeds Core Strategy (2019) (CS) and saved policies GP5 and N19 of the UDP. Amongst other things, these policies require proposals of good design which preserve heritage assets and their settings. I have not found conflict with Policy BD5 of the UDP.

Other considerations

23. With regards to the fallback position, the evidence indicates that were these developments to be pursued, significant additional volume would be added at the site. However, the CLD proposals relate to single storey extensions and buildings, which would likely have limited visibility from outside the site.
24. Therefore, these proposals would be likely to have a significantly lesser impact on the openness of the Green Belt in visual terms than the proposal before me, which proposes significant additional bulk at first floor level and above.
25. I have identified that there could be some public benefits in a reduction in carbon emissions and energy demand of the new dwelling than would be associated with the fallback position. However, this is only a modest scheme relating to one dwelling and any such benefits would therefore be very limited.
26. I therefore afford the fallback position limited weight in support of the appeal proposal.

Conclusion

27. I have found that the development would be harmful to Green Belt openness and is therefore inappropriate development within the Green Belt. It therefore should not be approved except in very special circumstances.
28. I must afford substantial weight to the harm to the Green Belt. Further, I have identified, harm to the setting of The Grange and the proposal would fail to preserve the character and appearance of the Conservation Area, matters to which I am required to afford special regard and attention to. I have also afforded these matters substantial weight.
29. The harm is therefore clearly not outweighed by other considerations. Consequently, the very special circumstances necessary to justify the development do not exist. For the reasons set out above, the appeal should be dismissed.

T J Burnham

INSPECTOR