



Appeal Decision

Site visit made on 9 May 2022

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 May 2022

Appeal Ref: APP/N4720/W/22/3294783

Farfield House, Wetherby Road, Bramham, Wetherby LS23 6RE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Alec Colgan of Developments Yorkshire Ltd against the decision of Leeds City Council.
 - The application Ref 20/08368/FU, dated 14 December 2020, was approved on 24 February 2022 and planning permission was granted subject to conditions.
 - The development permitted is variation of condition 2 (approved plans) of previous application 19/03125/FU for various alterations to the approved plans for plots 1-4 including replacing pair of semi-detached dwellings with two detached dwellings (Plots 3 and 4), changes to the height, size and internal layout of the dwellings, changes to the porch design and fenestration and the construction of an additional dormer window to the front of each dwelling.
 - The condition in dispute is *"Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking or re-enacting that Order, no new extensions, roof alterations, porches, outbuildings or means of enclosure shall be erected to the development hereby approved, that would otherwise be permitted by Class A, B, C, D or E of Part 1 of Schedule 2 or Class A of Part 2 of Schedule 2 of that Order without prior planning permission"*.
 - The reason given for the condition is *"as the Local Planning Authority wish to keep control over the erection of these developments, in the interests of neighbouring amenity and visual amenity"*.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my site visit, development had commenced and two of the properties had been substantially constructed. I have assessed the appeal accordingly.
3. The reason for the disputed condition on the Councils decision notice refers to neighbouring amenity and visual amenity. The Council, in their statement of case, have introduced a third reason for the condition, this being in the interests of the effects on the Green Belt. The appellants statement of case provides evidence on Green Belt matters and further raises Green Belt matters in their final comments in response to the Councils statement of case. On this basis, I do not consider that the parties have been unduly prejudiced with the introduction of this third reason for the disputed condition and I have assessed the appeal on this basis.

Background and Main Issues

4. The proposal seeks to remove condition 3 relating to the removal of permitted development rights from the properties. The main issues are the effect of the proposal on (i) the openness of the Green Belt; (ii) the character and appearance of the surrounding area; and (iii) the living conditions of future occupiers of the properties with regards to outlook and light.

Reasons

Green Belt

5. The cumulative volume of the approved development being 1380 cubic metres compared to the 1395 cubic metres of the previous buildings on the site was a contributing matter to the Council accepting development in this location which is within the Green Belt. On this basis, it is extremely likely that any further development to the approved houses would increase the volume of development beyond what was previously on site, and therefore would have a greater impact on the openness of the Green Belt.
6. It is not unusual for properties in Green Belt locations to be able to extend under permitted development rights and it is noted that, in particular Policies N32 and N33 of the Leeds Unitary Development Plan 2006 (LUDP) don't specifically prescribe the removal of permitted development rights. However, the reduction in volume of development at the appeal site and the effect this has on the openness of the Green Belt was a contributing consideration for the houses being granted permission. As any further development to the houses would increase the volume of built form and therefore having an impact on the openness of the Green Belt, controlling future development is important for the protection of the Green Belt. I therefore find it is both reasonable and necessary for the permitted development rights to be removed from these properties, as it is described in condition 3.
7. I have had regard to the National Planning Policy Framework (the Framework) and the Planning Practice Guidance including the six tests for planning conditions. Condition 3 is reasonable and necessary, and also relevant to planning and to the development permitted, it is enforceable, precise and reasonable in all other respects.
8. The removal of condition 3 would be harmful to the openness of the Green Belt and would be contrary to Policies N32 and N33 of the LUDP and the Framework which seeks to protect the Green Belt.

Character and appearance

9. The area surrounding the appeal site is characterised by residential properties situated at the settlement edge with open countryside located beyond including the A1(M) highway. The built development in the area is mixed with varied architectural designs, form and detailing. It is this varied built form and styles which contributes to the character of the area.
10. The Council explain that the dwellings have amended proportions and openings which diverge from the previously approved scheme that lead to a more unsympathetic proposal than previously approved. Nevertheless, these proposals have been granted permission.

11. It is noted that a landscape buffer would not be introduced along the west boundary however, the appeal site is heavily screened from the adjacent public right of way and the A1(M) by high boundary treatment. Whilst some of the properties, mainly the roofscapes, may be visible they would not be highly prominent structures. The majority of development permitted under Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) would likely to be screened and not visible from the surrounding area.
12. Due to the various mix of housing designs and styles in the area, as well as the boundary treatment around the site, I do not consider that development permitted under the GPDO would have a harmful effect on the character and appearance of the surrounding area.

Living conditions

13. The properties, being a mix of detached and semi-detached, each have substantial size rear garden areas that meet the Council's recommended garden lengths. Whilst I note the existing trees and proposed tree planting, given the size and positioning of the properties and their garden areas, I am satisfied that development permitted under the GPDO would not have a harmful effect on the living conditions of future occupiers with regards to outlook and light.

Other Matters

14. I have had regard to the appellants statement of cases, including reference to the previous approvals which had similar conditions and also did not refer to Green Belt matters as reasons in the decision notices. Nevertheless, the position of the Council with regards to Green Belt issues has been detailed above. It is also noted that the appellant had made attempts to contact and discuss matters with the Council. These matters do not alter my findings on the main issues.

Conclusion

15. I conclude for the reasons given above, and having regard to all other matters raised, the appeal should be dismissed.

Chris Baxter

INSPECTOR